

DECISION AND REASONS

Dispute Codes

OPR, MNR, MNSD, FF

Introduction

This hearing proceeded by way of Direct Request Proceeding, pursuant to section 74(2)(b) of the Act, and dealt with an Application for Dispute Resolution by the landlord for an Order of Possession and a monetary order.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on April 5, 2009 the landlord served the tenant with the Notice of Direct Request Proceeding via registered mail. The landlord has supplied copies of Canada Post receipts and Proof of Service documents for each respondent; however, the address used for service has not been indicated on either pieces of evidence. I am unable to assume what address was used for service to the tenant and find that service of the Proceeding Package can not be determined.

Based on the written submissions of the Landlord, I find the tenants have not been duly served with the Dispute Resolution Direct Request Proceeding documents.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an Order of Possession for unpaid rent; to a monetary Order for unpaid rent, whether the landlord may retain the deposit and filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to sections 38, 55, 67, and 72 of the *Residential Tenancy Act* (Act). I have reviewed all documentary evidence.

Analysis

In the absence of the evidence of proof of service of the Proceeding Package to each respondent I find that the landlord has failed to establish that the tenants were served with the required documents.

Conclusion

Having found that the landlord has failed to prove service of the Notice of Direct Request Proceeding I have determined that this application be dismissed with leave to reapply.

Dated May 12, 2009.

Dispute Resolution Officer