



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

INTERIM DECISION

Dispute Codes

OPR, MNR, MNSD, FF

Introduction

This hearing proceeded by way of Direct Request Proceeding, pursuant to sections 55(4) and 74(2) of the *Residential Tenancy Act (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 May 08, 2009 the Landlord served the Tenant with the Notice of Direct Request Proceeding by registered mail. The Landlord submitted a copy of a Canada Post Receipt, with a tracking number, which indicates that the Landlord mailed a package to the rental unit. The Canada Post website indicates that this package was not mailed until May 22, 2009, which is fourteen days after the agent for the Landlord declared that the package was mailed.

The Landlord received the Direct Request Proceeding package on May 20, 2009, so it is impossible for the Landlord to have served the Tenant with the Notice of Direct Request Proceeding on May 08, 2009, as was declared on the Proof of Service of the Notice of Direct Request Proceeding.

Based on the written submissions of the Landlord, I am not satisfied that the Tenant has been served with the Dispute Resolution Direct Request Proceeding documents.

Conclusion

Having found that the Landlord has failed to prove service of the Notice of Direct Request Proceeding, I order that the direct request proceeding be reconvened in accordance with section 74 of the Act. Based on the foregoing, I find that a conference call hearing is required in order to determine the issues in dispute. Notices of Reconvened Hearing are enclosed with this decision. A copy of the Notice of Reconvened Hearing, this Interim Decision, the Application for Dispute Resolution, and any evidence that will be introduced at the hearing by the Landlord must be served upon Tenant, in accordance with section 88 of the *Act*, within **three (3) days** of receiving this decision.



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This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: June 03, 2009.

Dispute Resolution Officer