



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

INTERIM DECISION

This hearing proceeded by way of Direct Request Proceeding, pursuant to section 355(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 23, 2009 the Landlord mailed the Notice of Direct Request Proceeding to the male Tenant via registered mail. The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on May 23, 2009 the Landlord mailed the Notice of Direct Request Proceeding to the female Tenant via registered mail.

The Landlord submitted a copy of one receipt from Canada Post that shows that one package was mailed to the rental address by registered mail. The receipt indicates that the package was sent to both parties. The Canada Post Website shows that this package was delivered on May 27, 2009. From the information provided, I am unable to determine which of the two Tenants received the Notice of Direct Request Proceeding.

The landlord has applied for a monetary Order which requires that the landlord serve each respondent as set out under section 89(1). As I am unable to determine which of the two Tenants has been served with the Notice of Direct Request Proceeding document, I am unable to conclude that either party has been duly served.

Conclusion

Having found that the Landlord has failed to prove service of the Notice of Direct Request Proceeding documents, I order that the direct request proceeding be reconvened in accordance with section 74 of the Act. I find that a conference call hearing is required in order to determine the merits of this Application for Dispute Resolution. Notices of Reconvened Hearing are enclosed with this decision for the Landlord. 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 04, 2009.

Dispute Resolution Officer