



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

DIRECT REQUEST DECISION

Dispute Codes

OPR, MNR, MNSD, FF

Introduction

This hearing proceeded by way of Direct Request Proceeding, pursuant to section 55(4) of the Act, and dealt with an Application for Dispute Resolution by the landlord for an Order of Possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim.

Evidence indicates that the landlord received the Direct Request Proceeding package on July 17, 2009 and submitted signed Proof of Service of the Notice of Direct Request Proceeding declaring that the landlord served both tenants with the Notice of Direct Request Proceeding by a single registered mail package on July 17, 2009. The landlord has included the registered mail tracking slip which documented the names of the parties served and this tracking slip indicated that the item was addressed to both tenants.

Sections 88 and 89 of the Act determine the method of service for documents. The Landlord has applied for a Monetary Order which requires that the landlord serve the tenants as set out under Section 89(1). In addition the Residential Tenancy Rules of Procedure, Rule 3.1, states that the applicant must serve **each respondent** with a copy of the Application for Dispute Resolution, along with copies of all of the following: a) the notice of dispute resolution proceeding letter provided to the applicant by the Residential Tenancy Branch; b) the dispute resolution proceeding information package provided by the Residential Tenancy Branch; c) the details of any monetary claim being made, and d) any other evidence accepted by the Residential Tenancy Branch with the application or that is available to be served.

In this case by addressing the mail to both parties and sending a single letter by registered mail to both tenants, the manner of service was not compliant with the Act nor the Rules of Procedure.

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

July 2009

Date of Decision

Dispute Resolution Officer