



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 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 July 13, 2009 an agent for the Landlord personally served the Tenant with Notice of the Direct Request Proceeding.

Residential Tenancy Branch documents show that the Landlord received the Notice of Direct Request package on June 23, 2009 and did not initiate service for twenty days. Section 59(3) of the *Act* stipulates that these documents must be served within three days of filing an Application for Dispute Resolution. As the Landlord has not complied with section 59(3) of the *Act* and, in doing so, has denied the Tenant a reasonable opportunity to refute the allegations made in the Application, I find that this direct request proceeding should be reconvened at a later date.

Conclusion

I hereby Order that the direct request proceeding be reconvened in accordance with section 74 of the *Act* to a conference call hearing. 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 the Tenant, in accordance with section 88 of the *Act*, within **three (3) days** of receiving this decision.

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: July 23, 2009.

Dispute Resolution Officer