



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **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 and a monetary order.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on August 19, 2009 the landlord served the tenants with the Notice of Direct Request Proceeding by registered mail. The landlord supplied evidence of service to both tenants via one registered mail receipt. Residential Tenancy Branch Rule of Procedure 3.1 requires that each respondent be served with all required documents. I am unable to determine which of the two tenants may have received the registered mail.

Pursuant to sections 89 and 90(a) of the Residential Tenancy Act I find that the tenants have not each been served.

### 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, to 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 proof that each tenant was served with the Notice of this Direct Request Proceeding I have determined that this application be dismissed with leave to reapply.



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## Conclusion

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

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: August 27, 2009.

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Dispute Resolution Officer