



# Dispute Resolution Services

Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION AND REASONS**

### Dispute Codes

OPR, MNR, MNSD, FF

### Introduction

This hearing proceeded by way of Direct Request Proceeding, pursuant to section 74(2)(b) 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 11, 2009 the landlord served each tenant with the Notice of Direct Request Proceeding via registered mail. The landlord provided a Canada Post receipt dated August 11, 2009; however, the receipt and Proof of Service documents submitted as evidence fail to indicate the address used for service. The Canada Post receipt indicates only the tenant's name. I am unable to assume that the service address used is that indicated on the application for dispute resolution.

Based on the written submissions of the Landlord, I find the tenants have not been duly served with the Dispute Resolution Direct Request Proceeding documents.

### 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, whether the landlord may retain the deposit and filing fee from the tenants for the cost of the Application for Dispute Resolution, pursuant to sections 38, 55, 67, and 72 of the *Residential Tenancy Act* (Act).

### Analysis

In the absence of the evidence of proof of service of the Notice of this Direct Request Proceeding I find that the landlord has failed to establish that the tenants were served with the required documents.

### Conclusion

Having found that the landlord has failed to prove service of the Notice of the Proceeding, I order that the direct request proceeding be dismissed with leave to reapply.

Dated August 13, 2009.

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Dispute Resolution Officer