



# 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 matter was conducted 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 due to unpaid rent.

The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on September 11, 2009 the Landlord served the Tenants with the Notice of Direct Request Proceeding by registered mail. Pursuant to section 90(a) of the Residential Tenancy Act the Tenants are deemed to have been served on the fifth day after delivery. Consequently, I find that the Tenants were duly served with the Dispute Resolution Direct Request Proceeding documents.

The Landlord also submitted a copy of the Application for Dispute Resolution which stated that the 10 Day Notice to End Tenancy was served on September 2, 2009 by posting it to the Tenants' door. The Landlord provided the name of a witness who saw him post the Notice, however, the relationship of the witness to the Landlord was not indicated on the form as required.

Furthermore, as part of the application the Landlord is required to provide a copy of the two page 10 day Notice to End Tenancy for Unpaid Rent or Utilities. Page two of the Notice provides information to the Tenant about the Landlord's right to seek an Order of Possession through the Direct Request Process if the Tenant does not respond to the notice. In the documents before me the Landlord has not provided page two of the Notice to End Tenancy and as a result I find that the Landlord's application must be dismissed as I cannot determine whether a valid notice was served on the Tenants.

Given the incomplete evidence of proof of service of the Notice to End Tenancy and the incomplete Notice I find that the Landlord has failed to establish that the Tenants were properly served with the 10 day Notice to End Tenancy.

### Conclusion

Having found that the Landlord has failed to prove service of the 10 day Notice to End Tenancy, I order that the direct request proceeding be reconvened in accordance with



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section 74 of the Act. Based on the foregoing, I find that a conference call hearing is required in order to determine the details of service of the 10 Day Notice to End Tenancy. Notices of Reconvened Hearing are enclosed with this decision for the applicant to serve upon the Tenants within **three (3) days** of receiving this decision in accordance with section 88 of the Act.

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: September 21, 2009.

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Dispute Resolution Officer