



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

### Dispute Codes

OPR, MNR, 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 Landlords for an Order of Possession and a monetary order due to unpaid rent.

The Landlords submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on September 11, 2009 the Landlords 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.

As part of the application the Landlord is also 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 Landlords have not provided page two of the Notice to End Tenancy and as a result I find that the Landlords' application must be dismissed as I cannot determine whether a valid notice was served on the Tenants.

Furthermore, the copy of the tenancy agreement provided by the Landlords indicates that there are 2 Tenants, however, only the signature of one of them appears on the tenancy agreement. Consequently, it is not clear whether one of the Tenants (who did not sign the tenancy agreement) should be named as a Party to these proceedings.

### Conclusion

Having found that the Landlords have failed to prove service of a valid 10 day Notice to End Tenancy, and having found that it is not clear whether all of the Parties to this proceeding have been properly named, I order that the direct request proceeding be reconvened in accordance with 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



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decision for the applicants 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