



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

### Dispute Codes

OPR, MNR, 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 October 23, 2009 the landlord served the tenant with the Notice of Direct Request Proceeding by registered mail. The landlord provided a copy of a blank Canada Post receipt as evidence. The landlord also provided a Proof of Service document as evidence of service. Neither document indicates the service address used; therefore, I am unable to determine the address used for service. Pursuant to section 90(a) of the Residential Tenancy Act I find the tenant has not been served with notice of this direct request proceeding.

### 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 and filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to sections 55, 67, and 72 of the *Residential Tenancy Act (Act)*. I have reviewed all documentary evidence.

### Analysis

In the absence of proof that the 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 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: November 03, 2009.

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Dispute Resolution Officer