



# 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.

### Preliminary Issue

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on November 5, 2009 the landlord served the tenants with the Notice of Direct Request Proceeding via registered mail. Section 90 of the Act states a document send by mail is deemed served on the 5<sup>th</sup> day after it is mailed.

The landlord did not submit his Application for Dispute Resolution until November 17, 2009 and was therefore not provided with the Notice of Direct Request Proceeding until November 17, 2009. Based on this incongruence of the date the landlord received the Notice of Direct Request Proceeding and the date stated in the landlord's Proof of Service, I am not satisfied that the tenant's were served the Notice of Direct Request Proceeding.

### Conclusion

As result of the above noted issue, I dismiss the landlord's Application for Dispute Resolution, 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: December 02, 2009.

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Dispute Resolution Officer