



# 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 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 November 18, 2009 the landlord served each tenant with the Notice of Direct Request Proceeding via registered mail. The landlord has submitted a copy of Canada Post receipts indicating service, but has not completed the address portion of the receipts. The landlord has provided copies of Proof of Service of the Notice of Direct Request for each tenant, but has not provided an address on either of these documents. I am unable to assume which address the landlord used for service; therefore, I am unable to find that the tenants have each been served to the address indicated on the Application for Dispute Resolution.

### 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 tenant for the cost of the Application for Dispute Resolution, pursuant to sections 38, 55, 67, and 72 of the *Residential Tenancy Act* (Act). I have reviewed all documentary evidence.

### 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 each tenant was served the required documents. Therefore, I find that this Application is dismissed with leave to reapply.

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: December 03, 2009.

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Dispute Resolution Officer