



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 *Residential Tenancy Act (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, received by the Residential Tenancy Branch on January 19, 2010.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on January 28, 2010 the landlord served the tenants with the Notice of Direct Request Proceeding via registered mail. Section 59 of the *Act* requires a person who makes an application for dispute resolution must give a copy of the application to the other party within 3 days of making it.

Based on the written submissions of the landlord, I find that the tenants have not been served with the Dispute Resolution Direct Request Proceeding documents.

In addition, the tenancy agreement submitted lists only the male occupant as a tenant and the application and notice to end tenancy submitted list two occupants as tenants. Because the Direct Request Proceeding does not allow for clarification of any issues, I find this request is not suitable for a Direct Request Proceeding.

Conclusion

Based on the findings above, I dismiss the landlord's application in its entirety, 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: February 09, 2010.

Dispute Resolution Officer