



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPR, MNR, FF

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 for unpaid rent. The Landlords submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on February 9, 2010 the Landlord served the Tenants in person with the Notice of Direct Request Proceeding. Based on the Landlords' written submissions and evidence, I find that the Tenants were served as required by s. 89 of the Act with the Dispute Resolution Direct Request Proceeding documents.

As part of the Direct Request proceeding, the Landlords are required to provide a copy of the Parties' tenancy agreement. The copy of the tenancy agreement provided by the Landlords is incomplete in that it does not indicate when rent is due.

The Landlords also provided a Proof of Service of the 10 Day Notice to End Tenancy dated February 3, 2010 which states that the Tenants were served in person with that Notice. However, the Landlords he did not provide witness information or the signatures of the Tenants acknowledging service which is required as a part of the Direct Request Proceeding. As a result, I cannot conclude that the Tenants were properly served with the 10 Day Notice.

Conclusion

Consequently, I order that the direct request proceeding be reconvened in accordance with section 74 of the Act so that further information can be obtained about the terms of the tenancy and the service of the 10 Day Notice to End Tenancy. Notices of Reconvened Hearing are enclosed with this decision for the Applicant 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: February 18, 2010.

Dispute Resolution Officer