



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPR, 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 Landlord for an Order of Possession.

The Landlord received the Direct Request Hearing packages on January 18, 2010. Section 59(3) of the Act says that 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. The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on January 30 and 31, 2010 he served the Tenants with the Notice of Direct Request Proceeding via registered mail. I find that the Applicant did not serve the Direct Request proceeding documents within the time limits required by the Act and provided no explanation why they could not be served within those time limits.

Conclusion

Given that the Direct Request Proceeding documents were not served within the time limits required under s. 59(3) of the Act, the Landlord's application is 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: February 03, 2010.

Dispute Resolution Officer