



# 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 for unpaid rent.

The Landlord received two copies of the Direct Request Hearing packages on January 20, 2010 to serve on the Tenants. Section 59 of the Act requires an Applicant to serve **each** Respondent within 3 days of making the application for dispute resolution. The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on January 21, 2010, she served only one hearing package by registered mail which was addressed to both of the Tenants. In the circumstances, I find that the Landlord has not served both of the Tenants as required by the Act.

RTB Rule of Procedure #13.6 also states (in part) that if a Dispute Resolution Officer determines that a tenant may be materially affected by the dispute resolution hearing, the Dispute Resolution Officer may adjourn a proceeding to allow the materially affected tenant an opportunity to participate in the proceeding and will order the Applicant to serve the affected tenant with a copy of the application, notice of hearing and any evidence.

### Conclusion

In failing to serve both Tenants in this matter (who I find are materially affected by the Landlord's application), 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 02, 2010.

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Dispute Resolution Officer