



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPR, MNR, MNSD

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 submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on January 29, 2010 the Landlord served the Tenant with the Notice of Direct Request Proceeding via registered mail. In her application, however, the Landlord claimed that the Tenant agreed to move out of the rental unit on January 29, 2010. As the Tenant may not have been residing in the rental unit on January 29, 2010, I cannot conclude that she was served with the Landlord's application for Dispute Resolution as required under s. 89 of the Act.

Conclusion

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 service of the Landlord's Notice of Direct Request Proceeding on the Tenant.

Notices of Reconvened Hearing are enclosed with this decision for the Applicant to serve upon the Tenant 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 08, 2010.

Dispute Resolution Officer