



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes

OPR, MNR, FF

Introduction

This matter was conducted by way of Direct Request Proceeding, pursuant to section 55(4) of the *Residential Tenancy Act* (the "Act"), and dealt with an Application for Dispute Resolution by the landlord for an Order of Possession and a monetary order.

The landlord submitted 2 signed Proof of Service of the Notice of Direct Request Proceeding documents which declare that on April 16, 2010 the landlord served each tenant with the Notice of Direct Request Proceeding via registered mail. The landlord has not provided a copy of registered mail receipts. I am unable to assume which address was used for service as the landlord has not provided a copy of fully completed registered mail receipts. The Proof of service documents only include the tenant name, a tracking number and postal code.

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

Therefore, I find that this Direct Request proceeding must be convened to a participatory hearing.

Conclusion

Having found that the landlord has failed to prove service of the Notice of this Proceeding to each tenant, I order that the direct request proceeding be convened in accordance with section 74 of the Act, to a conference call hearing. **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: April 21, 2010.

Dispute Resolution Officer