

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 due to unpaid rent.

The landlord made the Application for Dispute Resolution on April 15, 2010 and submitted a copy of the Notice of Direct Request Proceeding which includes a signature from the tenant acknowledging that on April 19, 2010 the landlord served the tenant with the Notice of Direct Request Proceeding.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession for unpaid rent; to a monetary order for unpaid rent; for all or part of the security deposit and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to sections 38, 46, 55, 67, and 72 of the *Residential Tenancy Act (Act)*.

Analysis

Section 59(3) of the Act requires 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. As the landlord confirmed in their evidence the tenant was served on the 4th day after the application was made.

Conclusion

For the reason noted above, I dismiss the landlord's application 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: April 22, 2010.

Dispute Resolution Officer