

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 *Residential Tenancy Act (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 submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on May 2, 2010 the landlord served the tenant with the Notice of Direct Request Proceeding personally.

Section 59 of the *Act* requires a person who makes an application for dispute resolution to give a copy of the application to the other party within 3 days of making it. The landlord's evidence confirms the tenant was served on the 4th day after making the application.

Based on the written submissions of the landlord, I find that the tenant has not been served with the Dispute Resolution Direct Request Proceeding documents, in accordance with Section 59.

Conclusion

Based on the above noted finding, 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: May 06, 2010.

Dispute Resolution Officer