

## **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 submitted a copy of a receipt for registered mail dated May 16, 2010. The receipt shows that documents sent were sent to both tenants in one envelope and there is no signed declaration from the landlord that this registered mail included the notice of the direct request proceeding.

The Residential Tenancy Branch Rules of Procedure require that each respondent be served with the notice of the proceeding against them. If the registered mail receipt provided by the landlord does contain the material related to this proceeding then the landlord has addressed the package to both applicants and I am not able to determine if both or just one tenant was served with the notice of this 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 tenants for the cost of the Application for Dispute Resolution, pursuant to sections 38, 46, 55, 67, and 72 of the *Residential Tenancy Act (Act)*.

### Conclusion

Since I cannot determine which one of the tenants may have been served with the notice of this proceeding, 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: June 03, 2010.

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Dispute Resolution Officer