

DECISION

Dispute Codes:

OPR, MNR

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 Landlords for an Order of Possession and a Monetary Order.

Preliminary Matters

The Landlords submitted four signed Proofs of Service of the Notice of Direct Request Proceeding which declare that on June 16, 2010 the Landlord RA mailed the Notice of Direct Request Proceeding, by registered mail, to each of the Tenants at the rental unit. The Landlord provided two Proofs of Service for each of the Tenants. On the second copies are a hand written note “2nd copy” and an additional handwritten tracking number. Copies of the Receipts provided do not disclose the full name of each of the Tenants (first names only), or the address to which the registered mail was sent.

Section 89(1) of the Act provides how certain documents must be served. Section 89(1)(c) of the Act states:

Special rules for certain documents

89 (1) An application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 5, when required to be given to one party by another, must be given in one of the following ways:

(c) by sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord;

(emphasis added)

The Landlords provided no explanation with respect to why two Proofs of Service, the second with a handwritten additional tracking number, were provided in evidence. The Landlords did not provide evidence of where the registered mail documents were sent.

Conclusion

Having found that the Landlords have failed to prove service of the Notice of Direct Request Proceeding upon the Tenants in accordance with the provisions of Section 89(1)(c) of the Act, I order that the direct request proceeding be reconvened in accordance with section 74(2)(c) of the Act. Notices of Reconvened Hearing are enclosed with this decision for the Landlords 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: June 23, 2010
