



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

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 (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 his Application for Dispute Resolution on August 11, 2010. On August 15, 2010 the landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on August 15, 2010 at 10:30 a.m. the landlord served the tenant with the Notice of Direct Request Proceeding personally.

Section 59 (3) states 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. I find the landlord has failed to comply with Section 59 (3) and not served the tenant with notice of this proceeding in accordance with the *Act*.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession for unpaid rent and to a monetary order for unpaid rent, pursuant to Sections 46, 55, 67, and 72 of the *Act*.

Conclusion

As a result of my finding 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: August 24, 2010.

Dispute Resolution Officer