



Dispute Resolution Services

Page: 1

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 dated August 30, 2010 for an order of possession and a monetary order due to unpaid rent. A participatory hearing was not convened.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on September 3, 2010 the landlord served the tenants with the Notice of Direct Request Proceeding via registered mail.

Section 59 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 application was received and the notice of the Direct Request Proceeding was provided to the landlord on August 30, 2010 she was required to serve the tenants no later than September 2, 2010.

Based on the written submissions of the landlord, I find that the tenants have not been served with the Dispute Resolution Direct Request Proceeding documents in compliance 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

Based on the 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: September 14, 2010.

Dispute Resolution Officer