



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes

OPR, MNR

Introduction

This hearing proceeded by way of Direct Request Proceeding, pursuant to sections 55(4) and 74(2) 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.

The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on September 10, 2010 the male Landlord sent the Notice of Direct Request Proceeding by registered mail. The Landlord submitted a copy of a Canada Post Receipt, with a tracking number, which indicates that a package was mailed to the rental unit. The Canada Post documentation indicates that the package was addressed to both Tenants.

Analysis

The landlord has applied for a monetary Order which requires that the landlord serve each respondent with a copy of the Application for Dispute Resolution and Notice of Hearing, as set out under Section 3.1 of the Residential Tenancy Branch Rules of Procedures. In these circumstances, the Landlord mailed one package that was addressed to both Tenants at the rental unit. As the package was addressed to both parties, I cannot determine which of the Tenants was properly served with notice of this hearing.

Conclusion

As the Landlord has not established that either of Tenants was served with notice of this hearing, I dismiss the Landlord's Application for Dispute Resolution, 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 20, 2010.

Dispute Resolution Officer