



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 received by the Residential Tenancy Branch on November 25, 2010. 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 December 1, 2010 at 10:20 p.m. the landlord served the tenant with the Notice of Direct Request Proceeding personally.

Section 59 of the *Act* requires that when a party makes an Application for Dispute Resolution against the other party in a tenancy the party making the application must serve a copy of the application to the other party within 3 days of making it.

Based on the written submissions of the landlord, I find that the tenant has not been served with the Dispute Resolution Direct Request Proceeding documents, in accordance with Section 59.

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

For the reasons noted above, I dismiss the landlord's application in its entirety 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: December 07, 2010.

Dispute Resolution Officer