



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

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 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 February 12, 2011, the landlord served each tenant with the Notice of Direct Request Proceeding via registered mail. The landlord provided a Canada Post receipt, tracking number as evidence of service, but did not provide the address to which the mail was served.

The Proof of Service documents submitted for each tenant showed the tracking number only and did not contain any information as to the address used for service to each of the tenants. As I am unable to assume the address that was used for service, I find that the tenants have not been served with Notice of the Direct Request Proceeding.

Further, I note that the landlord issued the 10 Day Notice ending tenancy on February 8, 2011. The landlord then submitted this application on February 11, 2011. This did not allow the tenants the required period of 5 days during which they have certain rights under the Act.

Therefore, I find that the application is dismissed with leave to reapply.

Conclusion

The application is dismissed 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: February 16, 2011.

Residential Tenancy Branch