



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **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.

The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding on each of the Tenants. One Proof of Service document declares that on June 22, 2011 at 1:27 p.m. the Landlord served the Notice of Direct Request Proceeding on the Tenant RR by couriering the document to the rental unit. The other Proof of Service document declares that on June 22, 2011 at 1:28 p.m. the Landlord served the Notice of Direct Request Proceeding on the Tenant MH by couriering the document to the rental unit.

### **Preliminary Matter**

The Landlord provided copies of the courier's waybills in evidence. The waybills indicate that one attempt was made to deliver the documents to each of the Tenants on June 22, 2011, but that no one was home to accept delivery. There is no indication on the waybills that notices were left for the Tenants indicating where the documents could be picked up. Therefore, based on the written submissions of the Landlord, I find that the Tenants were not sufficiently served with the Direct Request Proceeding documents, and this matter cannot proceed.

### **Conclusion**

The Landlord's 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*.

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Dated: July 15, 2011.

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Residential Tenancy Branch