



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

OPR, MNR

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 13, 2012, the landlord served the tenants with the Notice of Direct Request Proceeding via one registered mail package, to the rental unit address. The landlord provided one Canada Post receipt and tracking number as evidence of service.

There was no evidence before me as to which of the two tenants may have received the registered mail package. Section 59(3) of the Act requires service of the application within three days of making it. The Residential Tenancy Branch Rules of procedure, section 3.1 requires service to each respondent. I am unable to determine which of the two tenants may have accepted receipt of the hearing package; therefore, I find that the application is dismissed with leave to reapply as I am unable to determine that each respondent was served.

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 20, 2012.

Residential Tenancy Branch