



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction

This matter was conducted by way of Direct Request Proceeding, pursuant to section 55(4) of the Act, and dealt with an Application for Dispute Resolution by the Landlords for an Order of Possession and a Monetary Order for unpaid rent.

The Landlords submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on September 15, 2012 the Landlords served the Tenants with the Notice of Direct Request Proceeding via registered mail. In support of their written submissions however, the Landlords provided one registered mailing label for the Tenant, F.M.S. The Landlords provided no evidence in the form of a mailing label to prove that the Tenant, G.M.S. was also served with a copy of the Notice of Direct Request proceeding.

RTB Rule of Procedure 3.1 says that an applicant must serve each respondent with a copy of the notice of dispute resolution. RTB Rule of Procedure 13.5 says that a Dispute Resolution Officer may order that a dispute resolution hearing be adjourned so that a tenant would be materially affected by the proceedings has an opportunity to participate. I find that there is insufficient evidence at this time to conclude that each of the Respondents named in this matter were served with the Landlord's Notice of Direct Request Proceeding.

Conclusion

Based on the foregoing I find that a conference call hearing is required in order to determine whether both Tenants were served with the Direct Request Proceeding documents. ***Notices of Reconvened Hearing are enclosed with this decision for the Applicant-Landlords to serve upon the Tenants within three (3) days of receiving this decision in accordance with section 88 of the Act.*** 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 25, 2012.

Residential Tenancy Branch