



Dispute Resolution Services

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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 *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. A participatory hearing was not convened.

The landlord submitted two signed Proofs of Service of the Notice of Direct Request Proceeding that declare that on September 5, 2012 the landlord served the female tenant with the Notice of Direct Request Proceeding personally. The landlord has provided no documentation as to whether or not the male tenant was served with Notice of Direct Request Proceeding documents.

The purpose of serving documents under the *Act* is to notify the person being served of their breach and notification of their rights under the *Act* in response. The landlord is seeking to end the tenancy due to this breach through the Direct Request process; the landlord has the burden of proving that **both** tenants were served with the Notice of the Direct Request Proceeding.

Analysis

Since the Proof of Service documents dated September 5, 2012 state that only the female tenant was served with notice of this proceeding I find that the landlord has failed to establish that both tenant respondents were served with the Notice of Direct Request Proceeding.

Conclusion

Having found that the landlord has failed to prove service of the Notice of Direct Request Proceeding to both tenants I dismiss this application 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: October 05, 2012.

Residential Tenancy Branch