



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DIRECT REQUEST DECISION**

### **Dispute Codes**

OPR, MNR

### **Introduction**

This hearing proceeded by way of Direct Request Proceeding, pursuant to section 55(4) of the Act, and dealt with an Application for Dispute Resolution by the landlord for an Order of Possession and a monetary order against two respondent co-tenants.

Evidence submitted shows that the landlord's Direct Request application was processed on November 20, 2012 and the landlord submitted a signed "Proof of Service" of the Notice of Direct Request Proceeding declaring that the landlord served each tenant by registered mail on November 21, 2012. The landlord included the registered mail tracking slip which documented the names of the parties served and this tracking slip indicated that the tracked item was addressed to both co-tenants.

Sections 88 and 89 of the Act determine the method of service for documents. The Landlord has applied for a Monetary Order which requires that the landlord serve the tenants as set out under Section 89(1). In addition the Residential Tenancy Rules of Procedure, Rule 3.1, states that the applicant must serve **each respondent** with a copy of the Application for Dispute Resolution, along with copies of all of the following: a) the notice of dispute resolution proceeding letter provided to the applicant by the Residential Tenancy Branch; b) the dispute resolution proceeding information package provided by the Residential Tenancy Branch; c) the details of any monetary claim being made, and d) any other evidence accepted by the Residential Tenancy Branch with the application or that is available to be served.

In this case by addressing the mail to more than one party and sending a single package by registered mail to both of the tenants, I find that the manner of service was not compliant with the Act nor the Rules of Procedure.

Having found that the landlord has failed to prove adequate service of the Notice of Direct Request Proceeding I have determined that this application be 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: November 27, 2012.

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Residential Tenancy Branch