



# 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 landlord for an Order of Possession and a monetary order due to unpaid rent.

All parties named on an application for Dispute Resolution must receive notice of proceedings. Where more than one party is named on an application for dispute resolution, each party must be served separately. Failure to serve documents in a way recognized by the Legislation may result in the application being adjourned, dismissed with leave to reapply, or dismissed without leave to reapply.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on December 11, 2012 the landlord served one of the tenants (AG) with the Notice of Direct Request Proceeding by registered mail. Section 90 of the *Residential Tenancy Act* determines that a document is deemed to have been served on the fifth day after it was sent.

The landlord has provided no documentary evidence to prove that the other tenant (MP) who is also a party to the proceeding has been served by registered mail as declared by the landlord. Consequently, I dismiss the landlord's application through the direct request proceeding 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: December 17, 2012.

---

Residential Tenancy Branch