



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

This matter 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 Landlords for an Order of Possession and a monetary order.

The Landlords submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on November 22, 2012 the Landlords served Tenants with the Notice of Direct Request Proceeding by registered mail.

In fact, I find the Landlords served all three Tenants with the Notice of Direct Request Proceeding by sending one letter regular mail Express Post, addressed to all three.

I find the Landlords have failed to serve the Tenants in accordance with the Act, and I dismiss their Application with leave to reapply.

The purpose of serving documents under the *Act* is to notify each person being served of their breach and to provide notification of their rights under the *Act*.

The Act requires an Application under section 55 to be given to each of the Tenants individually and to do so by registered mail, or one of the other approved means of service under section 89 of the Act. Instead of sending three registered letters, one to each of the Tenants as required by the law, the Landlords sent one letter and it was not registered.

Therefore, I am unable to find that the Tenants have been duly served in accordance with the Act, and the Landlords' Application is dismissed with leave to reapply.

This decision is final and binding on the parties, unless otherwise provided under the Act, and is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: December 03, 2012.

Arbitrator
Residential Tenancy Branch