



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR

This matter proceeded by way of Direct Request Proceeding, pursuant to section 55(4) of the *Residential Tenancy Act* (the "Act"), and dealt with an Application for Dispute Resolution by the landlord for an order of possession and a monetary order for unpaid rent.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on February 1, 2013, the landlord served the tenants with the Notice of Direct Request Proceeding at the rental unit with an adult that opened the door.

Based on the written submissions of the landlord, I find that the tenants have not been duly served with the Direct Request Proceeding documents.

The Notice of Direct Request Proceeding is to be served in one of three ways; in person (with the Tenant or by leaving a copy at the person's residence with an adult who apparently resides with the Tenant), posted at the rental unit and by registered mail. The Applicant served "an adult that opened the door." The Applicant does not provide sufficient evidence to satisfy me that the Notice was properly served.

Under these circumstances, with this discrepancy that requires more information, I adjourn this application to be reconvened as a participatory hearing.

A Notice of Hearing Document is attached for each party. **The Applicant is responsible for serving the Respondent with the Notice of Hearing and must provide to the Respondent copies of the relevant information and/or documents to which he/she may refer at the hearing.** The Applicant should be prepared to give evidence of service at the hearing.

Failure to attend the hearing at the scheduled time, with all relevant documents and/or witnesses, will result in a decision being made on the basis of any information before the dispute resolution officer and the testimony of the party in attendance at the hearing.

Conclusion

I adjourn the landlords' direct request application for an Order of Possession to be reconvened at a participatory hearing.

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: February 08, 2013

Residential Tenancy Branch

