



Dispute Resolution Services

Page: 1

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 Residential Tenancy Act (the “Act”), and deals 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 copy of the tenancy agreement that indicates the Tenant’s rented the lower unit of the residence. The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on February 5, 2013, the Landlord served the Tenants with Notice of Direct Request Proceeding by registered mail. There is no indication that the service of this document was to the lower or upper unit. The application sets the dispute address as the upper unit. The 10 day notice to end tenancy for unpaid rent sets out the address of the Tenants as the upper unit. The Landlord submitted an affidavit of registered service of that Notice that does not indicate whether the Notice was mailed to the upper or lower unit. Given these discrepancies in the Landlord’s evidentiary submissions, I cannot find the Tenants have been served the Notice or this application at the place where they reside. I therefore dismiss the Landlord’s application for a direct request with leave to reapply for a participatory hearing.

The application is 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: February 12, 2013

Residential Tenancy Branch

