



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

INTERIM DECISION

Dispute Codes

OPR, MNR

Introduction

This matter was conducted 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.

Preliminary Matter

The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding for each of the Tenants. The Proof of Service documents indicate that the Landlord sent the Notice of Direct Request Proceeding to each Tenant by registered mail; however, he did not indicate on what day the documents were mailed.

Landlord and Tenant Fact Sheet RTB-130 gives clear instructions with respect to what documentation is required for Direct Request Proceedings. The Fact Sheet states, in part, "The landlord completes the *Proof of Service of the Notice of Direct Request* form **confirming when** the Proceedings Package was served on the Tenant." (my emphasis)

I cannot make findings with respect to when the Tenants were served with the Notice of Direct Request Proceeding and therefore I adjourn this matter to a participatory Hearing so that questions can be asked and answered with respect to service.

Therefore, I adjourn this matter to a participatory Hearing. Three copies of a Notice of Reconvened Hearing accompany this Interim Decision. The Landlord must serve each Tenant with a copy of the Notice of Reconvened Hearing in accordance with the provisions of Section 89 (1) of the Act within 3 days of receipt of this Interim Decision.

Conclusion

This matter is adjourned to a participatory Hearing, to the date and time noted on the enclosed Notice of Reconvened Hearing. **The Landlord must serve each Tenant with the Notice of Reconvened Hearing in accordance with the provisions of Section 89 (1) of the Act within 3 days of receipt of this Interim Decision.**

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: July 16, 2013

Residential Tenancy Branch