



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding NPR Limited Partnership
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR

Introduction

This non-participatory matter was conducted by way of a 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 for the rental unit due to unpaid rent and for a monetary order for unpaid rent.

In addition to other documentary evidence, the landlord submitted two signed Proofs of Service of the Notice of Direct Request, indicating that the landlord served both tenants with their Notice of the Direct Request and application for dispute resolution in the same registered mail envelope.

Analysis and Conclusion

Section 89 of the Residential Tenancy Act requires that an application for dispute resolution be served upon the respondents (the tenants in this case) in person, by registered mail to the address at which the person resides, or if a tenant, by registered mail to the forwarding address provided by the tenant.

I find that this section of the Act requires that each respondent be served individually with the landlord’s application, and in this case, as the landlord chose registered mail for service of the documents, by separate registered mail envelopes. I therefore find the landlord submitted insufficient evidence that the tenants were served the landlord’s application for dispute resolution as required under the Act when they placed both the dispute resolution packages in the same envelope.

Conclusion

As I have found that the landlord failed to submitted sufficient evidence that each respondent was served individually as required under the Act, I dismiss the landlord's application, 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* and is being mailed to both the applicant and the respondents.

Dated: August 02, 2013

Residential Tenancy Branch

