



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## 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 (Act)*, and dealt with an Application for Dispute Resolution by the landlord for an order of possession and a monetary order due to unpaid rent. A participatory hearing was not convened.

The landlord submitted two signed Proof of Service of the Notice of Direct Request Proceeding documents which declare that on January 24, 2014 the landlord served the tenants with the Notice of Direct Request Proceeding via registered mail as part of one package.

However, the landlord is required to serve each of the tenants with a copy of her Application for Dispute Resolution and all of the subsequent documents related to her Application and the Direct Request Proceeding. It is not sufficient to serve each tenant in one package that is addressed to only one of the named respondents.

Direct Request proceedings are conducted when a landlord issues a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities and the tenant(s) has not filed an Application for Dispute Resolution seeking to cancel the Notice within 5 days of receiving the Notice. The proceeding is conducted *ex parte* and based solely on the paperwork provided by the applicant landlord. Because the hearing is conducted without the benefit of having a participatory hearing in which I might question either of the parties if something is unclear in the paperwork all documents submitted must be complete and clear.

From the evidence submitted solely related to the service of the Notice of Direct Request Proceeding documents I have not considered any of the merits of the landlord's claim.

### Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession for unpaid rent and to a monetary order for unpaid rent, pursuant to Sections 46, 55, 67, and 72 of the *Act*.

Conclusion

Based on the failure to prove service of Notice of Direct Request Proceeding documents to each of the tenants 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*.

Dated: January 28, 2014

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Residential Tenancy Branch

