



Dispute Resolution Services

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:

1. An Order of Possession – Section 55; and
2. A Monetary Order for unpaid rent – Section 67.

The Landlord provided a Proof of Service that indicates that the Notice of Direct Request Proceeding was served on the roommate of the Tenant. There is no indication on the proof of service that supporting documents, including the application for dispute resolution, were also provided to the Tenant. If this omission was made in error, no corrected proof of service was provided.

Sections 89 and 90 of the Act require that a copy of an application for dispute resolution by one party must be given to the other party. Given the lack of evidence that the Landlord's application was served on the Tenant along with the Notice of Direct Request Proceedings, I find that the Landlord has failed to satisfy the service requirements of the Act. I therefore dismiss the 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: August 22, 2014

Residential Tenancy Branch