



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 does not indicate that the Notice of Direct Request Proceeding and supporting documents were served on the Tenant. There is no other proof of service that indicates that a copy of the application for dispute resolution was given to the Tenant.

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