



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPRM – DR, FFL

### 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 an unsigned Proof of Service of the Notice of Direct Request Proceeding which declares that on November 21, 2018 the landlord served the tenant JI with the Notice of Direct Request Proceeding via registered mail. There is no indication that the tenant MI was served with the Notice of Direct Request Proceeding at all.

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.

As the landlord has failed to sign the Proof of Service declaration attesting to the service of the Notice of Direct Request proceeding, I am not satisfied that the tenant JI has been served with notice of this proceeding. Furthermore, since the landlord has failed to provide any Proof of Service to the tenant MI at all, I am not satisfied that MI has been served with notice of this proceeding.

### 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 and to recover the filing fee for this Application for Dispute Resolution, pursuant to Sections 46, 55, 67, and 72 of the *Act*.

Conclusion

Base on my finding above that the landlord has failed to provide sufficient evidence of service of the notices of this proceeding to either tenant I dismiss the landlord's Application for Dispute Resolution in its entirety 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: November 28, 2018

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Residential Tenancy Branch