



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR-DR, OPRM-DR

Introduction

This matter proceeded by way of an *ex parte* 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 based on unpaid rent and a Monetary Order.

The landlord submitted two signed Proof of Service Notice of Direct Request Proceeding forms which declares that on December 11, 2020, the landlord sent each of the tenants the Notice of Direct Request Proceeding by registered mail to the rental unit. The landlord provided a copy of a Canada Post receipt showing the landlord purchased two stamps.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession for unpaid rent pursuant to sections 46 and 55 of the *Act*?

Is the landlord entitled to monetary compensation for unpaid rent pursuant to section 67 of the *Act*?

Analysis

In this type of matter, the landlord must prove they served the tenant the Notice of Direct Request Proceeding with all the required inclusions as indicated on the Notice as per sections 89 of the *Act* which permits service by sending a copy by registered mail to the address at which the person resides.

I find that the Canada Post receipt shows the landlord sent the Notices of Direct Request Proceeding by regular mail and not registered mail.

I find that the landlord has not served the tenants with notice of this application in accordance with section 89 of the *Act*, and for this reason, the landlord's application for an Order of Possession and a Monetary Order for unpaid rent is dismissed, with leave to reapply.

Conclusion

I dismiss the landlord's application for an Order of Possession and a Monetary Order for unpaid rent, 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 04, 2021

Residential Tenancy Branch