

DECISION

Dispute Codes OPR MNR MNSD FF

Introduction

This hearing proceeded by way of Direct Request Proceeding, pursuant to section 74(2)(b) of the *Residential Tenancy Act* (the Act).

Issue(s) to be Decided

The issues to be decided are whether the Landlords are entitled to an Order of Possession for unpaid rent; to a monetary Order for unpaid rent; to keep all or part of the security deposit; and to recover the filing fee from the Tenants for the cost of the Application for Dispute Resolution, pursuant to Sections 38, 55, 67, and 72 of the Act. I have reviewed all documentary evidence submitted by the Landlords.

Background and Evidence

The Landlords submitted the following evidentiary material:

- A copy of a residential tenancy agreement which was signed by the parties on October 31, 2008, indicating \$650.00 per month rent due on the first of the month. The Tenants paid a security deposit of \$325.00 to the Landlords on October 19, 2008.
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on May 2, 2009, with an effective vacancy date of May 12, 2009 for \$375.00 in unpaid rent.
- A copy of the Proof of Service of the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities;
- A copy of the Landlords' Application for Dispute Resolution, filed May 12, 2009; and

- A copy of the Proof of Service of the Notice of Direct Proceeding for each Tenant.

The Landlords submitted a signed Proof of Service of the Notice of Direct Request Proceeding which does not disclose the date that the Tenants were served with the documents.

Analysis

The Landlords did not prove service of the Notice of Direct Request Proceeding upon the Tenants. The Landlord's application is therefore dismissed with leave to re-apply.

Conclusion

The Landlords' application is dismissed with leave to re-apply.

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: May 20, 2009.
