



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes

OPR, MNR, MNSD, FF

Introduction

This matter was conducted by way of Direct Request Proceeding, pursuant to section 55(4) of the Act, and dealt with an Application for Dispute Resolution by the Landlords for an Order of Possession and a monetary order due to unpaid rent.

As part of the application the Landlords are required to provide a copy of the tenancy agreement. The copy of the tenancy agreement provided by the Landlords contains a different rental unit address than that indicated on their application. The spelling of the Tenant's surname is also different on the Landlords' application compared to the tenancy agreement. Other pieces of information are also not apparent on the face of the tenancy agreement provided by the Landlords such as the amount of rent (which is illegible) and the date the security deposit was paid (which is missing).

The Landlords submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on September 15, 2009 the Landlords served the Tenants with the Notice of Direct Request Proceeding by registered mail. Pursuant to section 90(a) of the Residential Tenancy Act the Tenants are deemed to have been served on the fifth day after delivery. However, given the conflicting information as to the address for the rental unit, I am unable to find that the Tenant was served at the correct address with the Dispute Resolution Direct Request Proceeding documents.

Conclusion

Having found that the Landlords have failed to prove service of the Notice of Direct Request Proceeding and having found that there is missing or incorrect information contained in the Landlords' application, I have determined that this application be dismissed 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: September 21, 2009.

Dispute Resolution Officer