



# 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 *Residential Tenancy Act* (the "Act"), and dealt with an Application for Dispute Resolution by the landlord for an Order of Possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on November 17, 2009 the landlord served each tenant with the Notice of Direct Request Proceeding via registered mail. The landlord provided Canada Post receipts and tracking numbers as evidence of service.

However, section 59(3) of the Act requires the applicant to serve the respondents within three days of making the application. The landlord made the application for dispute resolution on November 2, 2009 and did not serve the tenants until November 17, 2009; with service considered completed on the fifth day after mailing. As the landlord has served the respondents twenty days after making application for dispute resolution and has provided no reasons for this delay, I find that this application is dismissed with leave to reapply.

### Conclusion

Having found that the landlord has failed to initiate service of the Notice of Direct Request Proceeding within three days of making the 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: December 04, 2009.

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Dispute Resolution Officer