



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## DECISION

Dispute Codes      OPR, MNR

### 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 Landlord for an Order of Possession and a Monetary Order for unpaid rent.

The Landlord filed its application in this matter on February 24, 2011 and received the Dispute Resolution Direct Request Proceeding documents on that day. The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that the Landlord served the Tenant with those documents on February 28, 2011 by registered mail. Section 59(3) of the Act says that “a person who makes an application for dispute resolution must give a copy of the application to the other party within 3 days of making it, or within a different period specified by the director.”

In the absence of any evidence of an existing order permitting the Landlord to serve the dispute resolution documents on the Tenant in a different period than required by s. 59(3) of the Act, I find that the Landlord *has not* served the Tenant with the dispute resolution documents within the time period required by s. 59(3) of the Act and as a result, its application is dismissed with leave to reapply.

### Conclusion

The Landlord's application is 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: March 15, 2011.

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Residential Tenancy Branch