



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding NPR Limited Partnership
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR

Introduction and Preliminary Issue

This matter proceeded by way of a 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 for the rental unit due to unpaid rent and a monetary order for unpaid rent.

In addition to other documentary evidence, the landlord submitted two incomplete copies of Proofs of Service of the Notice of Direct Request. The landlord failed to include who served the Notice of the Direct Request or the date of service of the Notices. I note that there was an illegible signature at the bottom of the form, but no confirmation that this was the person serving the Notice.

Analysis and Conclusion

Section 89 of the Residential Tenancy Act requires that an application for dispute resolution be served upon the respondent (the tenants in this case) by certain methods, including by registered mail.

The Direct Request process is a mechanism that allows the landlord to apply for an expedited decision, which requires that the landlord must follow and submit documentation exactly as the *Act* prescribes; there can be no omissions or deficiencies with items being left open to interpretation or inference.

I find that the landlord has not met the requirements of the Act and the Residential Tenancy Branch Rules of Procedure (Rules) by their failure to submit proof of who served the landlord’s Notices of the Direct Request or the date the Notices were served.

Without this proof, I cannot conclude that the tenants were served notice of the direct request application.

Based on the above I find that this application does not meet the requirements for the Direct Request process and I hereby dismiss the landlord's application 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* and is being mailed to both the applicant and the respondents.

Dated: July 25, 2013

Residential Tenancy Branch