Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   OPR, MNR

Introduction

This matter proceeded 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 and a Monetary Order for unpaid rent.   In this type of matter, the landlord must prove they served the tenant with the Notice of Direct Request proceedings with all the required inclusions as indicated on the Notice.

The landlord's application must provide a signed Proof of Service of the Notice of Direct Request form. The Application File contents reflect the landlord provided the requisite *Proof of Service of the Notice of Direct Request* but did not indicate the date and time the form was served. Rather, it states: "Anytime". As well, the form indicates it was POSTED, despite the landlord's request for a Monetary Order, and despite the bolded notation on the form stating: **Do not use this method if requesting a Monetary Order**.

Analysis

I find that the landlord has not provided the required proof that they served the Notice of Direct Request proceeding documentation. I am not satisfied the tenant has been served with notice of this process. Therefore, **I dismiss** the landlord's application for Direct Request, **with leave to reapply**.

Conclusion

This 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 31, 2014

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Residential Tenancy Branch