Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

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.

Preliminary matter

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on September 17, 2014, the landlord served the tenants with the Notice of Direct Request Proceeding via registered mail.

The Residential Tenancy Branch Rules of Procedure states that each respondent must be served with the Notice of Direct Request Proceeding.

In this case, the landlord did not serve each respondent individually or complete a separate Proof of Service Notice of Direct Request Proceeding as required. The landlord sent one registered mail package address to both tenants and I am unable to determine which tenant, if any, received the Direct Request documents.

Based on the written submissions of the landlord, I find that the landlord has failed to prove that the tenants were served with the Direct Request Proceeding documents.

Therefore, I dismiss the landlord's application 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: September 25, 2014

_____
Residential Tenancy Branch