



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

DIRECT REQUEST DECISION

Dispute Codes

OPR, MNR, MNSD, FF

Introduction

This hearing proceeded by way of Direct Request Proceeding, pursuant to section 74(2)(b) of 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.

Evidence indicates that the landlord received the Direct Request Proceeding package on April 7, 2009 and submitted signed Proof of Service of the Notice of Direct Request Proceeding declaring that the landlord served each tenant with the Notice of Direct Request Proceeding by registered mail on April 17, 2009. The landlord has included the registered mail tracking slips which documented the names of the parties served. I note that there is not address or full name shown on the registered mail receipts. Section 89(1) of the Act imposes specific requirements for where and how the applicant must serve a respondent with a Notice of Hearing. For that reason the address must be verified. I find that the landlord has not met the requisite burden of proof regarding the service of this application. I also note that the Notice of Hearing was not mailed within the required 3 days for service as specified in section 59(3) of the Act.

Having found that the landlord has failed to prove service of the Notice of Direct Request Proceeding and that the landlord was not compliant with the Act in regards to service within three days, I have determined that this application must be dismissed with leave to reapply.

May 2009

Date of Decision

Dispute Resolution Officer