



# 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.

The landlord submitted Proof of Service of the Notice of Direct Request Proceeding which included a signed declaration by the landlord that on April 22, 2009 the Notice of Direct Request was served on the tenant in person. A second Prof of Service document also featured another signed declaration that on April 22, 2009 the landlord served the tenant with the Notice of Direct Request Proceeding by posting it on the tenant's door.

Section 89(1) of the Act imposes specific requirements for where and how the applicant must serve a respondent with a Notice of Hearing and required the applicant to provide proof of service. For that reason the method and details of service must be clearly verified. I find that the two conflicting signed declarations make it unclear whether the Notice was served in person, by posting it on the door, or both. I am therefore unable to make a conclusive determination regarding service and I have no choice but to find that the landlord has not met the requisite burden of proof regarding the service of this application.

Having found that the landlord has failed to prove service of the Notice of Direct Request Proceeding I have determined that this application be dismissed with leave to reapply.

May 2009

Date of Decision

\_\_\_\_\_

Dispute Resolution Officer