



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPR, MNR, FF

This matter was conducted by way of Direct Request Proceeding, pursuant to section 55(4) of the Act, and dealt with an Application for Dispute Resolution by the landlord for an Order of Possession and a monetary order due to unpaid rent.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on August 18, 2009 the landlord served the tenant with the Notice of Direct Request Proceeding by registered mail to the dispute address. Section 89 of the Act requires that notice sent by registered mail be mailed to the address at which the person resides.

The landlord's Application for Dispute Resolution indicates that the tenant seems to have abandoned the rental unit and has not been seen at the dispute address since August 5, 2009.

The purpose of serving documents under the *Act* is to notify the person being served of their breach and notification of their rights under the *Act* in response. The landlord is seeking to end the tenancy due to this breach; however, the landlord has the burden of proving that the tenant was served with the Notice of Direct Request Proceeding.

In the absence of the evidence of proof of service of the Notice of Direct Request Proceeding to an address at which the tenant resides I find that the landlord has failed to establish that the tenant was duly served with notification of this proceeding.

Therefore 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: August 27, 2009.

Dispute Resolution Officer