



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 55(4) 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 August 26, 2009 and submitted signed Proof of Service of the Notice of Direct Request Proceeding declaring that the landlord served the tenant with the Notice of Direct Request Proceeding by registered mail on August 26, 2009. The landlord has included the registered mail receipt showing that mail was sent on that date. However the landlord has neglected to submit into evidence the tracking slips which documented the names of the parties served and the full address of service. 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 in written form because this is not a conference hearing. I 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.

September 2009

Date of Decision

Dispute Resolution Officer