



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes - OPR, MNR, MNSD, FF

Introduction

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 October 14, 2009 the landlord served the tenant with the Notice of Direct Request Proceeding via registered mail. The Notice of Direct Request was dated September 24, 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 through the Direct Request process; the landlord has the burden of proving that the tenant was served with the Notice of the Direct Request Proceeding.

Analysis

Since the Proof of Service declares the Notice of Direct Request Proceeding was served on October 14, 2009 and since today's date is October 2, 2009 I cannot find that service has been accomplished.

With conflicting evidence of proof of service of the Notice of Direct Request Proceeding I find that the landlord has failed to establish that the tenant was served with the Notice.

Conclusion

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.

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: October 02, 2009.

Dispute Resolution Officer