



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 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 and a monetary order.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on October 22, 2009 the landlord served the tenant with the Notice of Direct Request Proceeding by registered mail. The landlord has provided a copy of a Canada Post receipt which does not indicate the address used for service. As I am unable to determine the service address I find, pursuant to section 90(a) of the Residential Tenancy Act that the tenant has not been served with the Dispute Resolution Direct Request Proceeding documents.

Analysis

In the absence of proof that the tenant was served with the Notice of this Direct Request Proceeding I have determined that this application be dismissed with leave to reapply.

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: November 03, 2009.

Dispute Resolution Officer