

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 for unpaid rent, to keep the security deposit, and to recover the cost of the filing fee from the Tenant for this application.

The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on November 26, 2009 the Tenant was served with the Notice of Direct Request Proceeding in person by someone who listed a full name followed by an initial and the proof of service form was signed with an illegible signature. The name listed.

Analysis

The Landlord submitted a copy of the proof of service of the Notice of Direct Request form which indicates the service was performed in person by someone who listed a full name and an initial. There is no indication if the full name is a surname or a given name. When completing an affidavit of service the individual who performed the service of the documents, as either the landlord or the landlord's agent must list their full name on the proof of service form and sign at the bottom of the form attesting to the service. A person who completes an affidavit must ensure they list their full name in a, legible manner, so that there is no question as to their identity.

Based on the aforementioned I find that the proof of service document submitted into evidence to be invalid. In the absence of a valid proof of service form, I find that the Landlord has failed to prove that service of the Notice of Direct Request has been

effected in accordance with the Act, and I hereby dismiss this application with leave to reapply.

Conclusion

I HEREBY DISMISS the Landlord's application, 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: December 10, 2009.

Dispute Resolution Officer