



# 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 74(2)(b) 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 January 12, 2010 the landlord served each tenant with the Notice of Direct Request Proceeding by registered mail.

The landlord has supplied copies of Canada Post receipts and tracking numbers, however; the receipts indicate only the tenant name, city and postal code; they do not provide the street address used for service.

I am unable to assume the complete address used by the landlord for service of the Notice of Direct Request Proceeding. Therefore, in the absence of a fully completed service address on the registered mail receipts or on the proof of service documents submitted as evidence of service, I find that the tenants have not been duly served with the Dispute Resolution Direct Request Proceeding documents.

### Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an Order of Possession for unpaid rent; to a monetary Order for unpaid rent, whether the landlord may retain the deposit and filing fee from the tenants for the cost of the Application for Dispute Resolution, pursuant to sections 38, 55, 67, and 72 of the *Residential Tenancy Act* (Act). I have reviewed all documentary evidence.

### Analysis

In the absence of the evidence of proof of service of the Notice of this Direct Request Proceeding I find that the landlord has failed to establish that the tenants were served with the required documents.

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: January 21, 2010.

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Dispute Resolution Officer