



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

### Dispute Codes

OPR, MNR, 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 the landlord served the tenant with the Notice of Direct Request Proceeding by registered mail. The landlord supplied a copy of a Canada Post receipt dated January 13, 2010, which indicates it was for the purchase of loose stamps. The landlord applied for Dispute Resolution on January 12, 2009, the proof of service of the Notice of Direct Request document submitted as evidence is dated January 14, 2009.

There is no evidence before me that the landlord did send the Notice of this Direct Request Proceeding and required documents to the tenant by registered mail. In the absence of a Canada Post receipt and based upon the written submissions of the Landlord, I find the tenant has not been duly served with the Dispute Resolution Direct Request Proceeding documents.

### 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 tenant was served with the necessary documents and that this Application is 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: January 21, 2010.

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Dispute Resolution Officer