



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 copies of signed Proof of Service of the Notice of Direct Request Proceeding documents for each tenant. These service documents declare that on January 28, 2010, the landlord served each tenant with the Notice of this Direct Request Proceeding via registered mail. The landlord has submitted as evidence copies of Canada Post receipts for each tenant, however; the landlord has not fully completed the address portion of the receipts. Therefore, I am unable to determine the address used for service to each tenant. The Proof of Service documents submitted as evidence of service also fail to provide the service address used for each tenant.

Based on the written submissions of the Landlord, I find that the tenants have 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 to End Tenancy I find that the landlord has failed to establish that the tenant was served with the 10 day Notice to End Tenancy.

Conclusion

Having found that the landlord has failed to prove service of the Notice of Direct Request Proceeding to each tenant 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: February 10, 2010.

Dispute Resolution Officer