



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 February 10, 2010, the landlord served the tenant with the Notice of Direct Request Proceeding via registered mail. The landlord has submitted a Proof of Service document as evidence of service; this document does not provide the service address used. The Canada Post Receipt submitted as evidence does not provide the full address used for service; only the tenant name and postal code. I am unable to assume which address the landlord used and therefore, find that the tenant has not been duly served with the Dispute Resolution Direct Request Proceeding documents.

Proof of Service of 10 Day Notice to End Tenancy

The landlord submitted a copy of the Application for Dispute Resolution and a copy of a Proof of Service document which indicated that the Notice to End Tenancy was served at 9:20 a.m. on February 1, 2010 by posting the Notice to the door, with a witness present. Rent is due on the last day of the month.

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: February 17, 2010.

Dispute Resolution Officer