



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 15, 2010, the landlord served the tenant with the Notice of Direct Request Proceeding via registered mail. The landlord has supplied a copy of an envelope which indicates mail was sent to the tenant. However, the landlord has not included a completed copy of a Canada Post registered mail receipt, including tracking number, as required and indicated on the Proof of Service documents that landlord has submitted as evidence. I am unable to assume that the envelope submitted as evidence was registered mail as it does not include a tracking number.

Based on the written submissions of the Landlord, I find the tenant has not been duly served with the Dispute Resolution Direct Request Proceeding documents.

Analysis

Having found that the tenant has not been served with Notice of this Proceeding, 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: February 23, 2010.

Dispute Resolution Officer