

DECISION

Dispute Codes OPR, MNR

Introduction

This matter was conducted by way of Direct Request Proceeding, pursuant to section 55(4) of the Act, and dealt with an Application for Dispute Resolution by the landlord for an Order of Possession and a monetary order due to unpaid rent.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an Order of Possession for unpaid rent and to a monetary Order for unpaid rent, pursuant to sections, 46, 55, 67 of the *Residential Tenancy Act (Act)*. I have reviewed all documentary evidence.

Proof of Service of Direct Request proceeding

The landlord submitted a copy of the Application for Dispute Resolution and two signed Proof of Services of the Notice of Direct Request Proceeding. One for one of the named tenants on the application and tenancy agreement the other was for another tenant at a different address. The address on the proof of service for the named tenant also differs from the dispute address on the application.

The purpose of providing a signed proof of service is to provide information for a Direct Request Proceeding to determine that both the tenants named on the application were served with Notice of the proceeding as declared by the landlord. The landlord has the burden of proving that the tenants were served with the Notices of the Direct Request proceeding and that the address matches the address on the application.

Analysis

In the absence of the evidence of proof of service of the Notice of Direct Request Proceeding for both tenants and a correct address I find that the landlord has failed to establish that the tenants were both served with Notice of Direct Request Proceeding.

Conclusion

Having found that the landlord has failed to prove service of the Notice of Direct Request Proceeding for both of the respondents 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: July 26, 2010.
