

DECISION

Dispute Codes OPR MNR

Introduction

This hearing proceeded 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 for unpaid rent.

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The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on September 2, 2010, at 8:43 a.m. the Landlord served the Tenant with the Notice of Direct Request Proceeding via registered mail. The Landlord submitted a copy of the cash register receipt which displays a tracking number and did not submit the address to where the package was sent.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession and a Monetary Order pursuant to section 55 of the *Residential Tenancy Act*?

Analysis

The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on September 2, 2010, the Landlord served the Tenant with the Notice of Direct Request Proceeding via registered mail however the Landlord has failed to provide the address where the registered mail was sent to or a copy of the complete the registered mail tag which would require the Name and full address written on the tag to prove which address the registered mail package was sent to.

The purpose of serving documents under the *Act* is to notify the person being served of their breach and notification of their rights under the *Act* in response. The Landlord is

seeking to end the tenancy due to this breach; however, the Landlord has the burden of proving that the Tenant was served with notice of the Direct Request Proceeding.

In the presence of incomplete information pertaining to the service of the Direct Request Proceeding documents I am not able to establish that service was effected in accordance with the Act and hereby adjourn this proceeding to a teleconference hearing.

Conclusion

I HEREBY FIND that a conference call hearing is required in order to determine the merits of the Landlord's application. Notices of Reconvened Hearing are enclosed with this decision for the Landlord.

A copy of the Notice of Reconvened Hearing, this Decision, the Application for Dispute Resolution, and any evidence that will be introduced at the hearing by the Landlord must be served upon Tenant, in accordance with section 89 of the *Act*, within **three (3) days** of receiving this decision.

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: September 13, 2010.

Dispute Resolution Officer