



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

This hearing proceeded by way of Direct Request Proceeding, pursuant to sections 55(4) and 74(2) of the *Residential Tenancy Act (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 September 17, 2010 the Landlord mailed the Notice of Direct Request Proceeding to the Tenant via registered mail. The Landlord submitted a copy of a Canada Post Receipt that indicates a package was mailed to the Tenant, however it does not provide the address to which the package was mailed. The Landlord does not state the address to which the package was mailed on the Proof of Service of the Notice of Direct Request Proceeding.

The purpose of serving the Notice of Direct Request Proceeding is to notify the Tenant that a direct request proceeding has been initiated. The Landlord has the burden of proving that the Tenant was served with the Notice of Direct Request Proceeding.

In the absence of evidence that clearly establishes that the Notice of Direct Request Proceeding was mailed to the Tenant at her residential address or to a forwarding address that was provided by the Tenant, I find that I am unable to conclude, with reasonable certainty, that these documents have been served on the Tenant in accordance with section 89 of the *Act*.

Having found that the Landlord has failed to prove service of the Notice of Direct Request Proceeding, I hereby dismiss the Landlord's Application for Dispute Resolution, 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: September 30, 2010.

Dispute Resolution Officer