



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

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 a monetary order due to unpaid rent an Order to keep the security deposit and recover the filing fee paid for this application.

The landlord provided two forms concerning proof of service of the Notice of the Direct Request However the landlord did not provide the Canada Post tracking receipts to determine when and if the tenants were served by registered mail as declared by the landlord on these proof of service forms.

Proof of Service of Direct Request proceeding

The landlord submitted a copy of the Application for Dispute Resolution. The landlord did not provide any proof of service with the Canada Post receipts and tracking numbers to determine that the Notice for the Direct Request Proceeding was sent to both tenants by registered mail as declared.

The purpose of providing the tracking numbers and Canada Post receipts is to provide information for a Direct Request Proceeding to determine that the tenants 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.



Dispute Resolution Services

Page: 2

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Analysis

In the absence of the evidence of proof of service of the Notice of Direct Request Proceeding I find that the landlord has failed to establish that the tenants were 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 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: September 30, 2010.

Dispute Resolution Officer