



Dispute Resolution Services

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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 *Residential Tenancy Act* (the "Act"), and dealt with an Application for Dispute Resolution by the Landlord for an Order of Possession and a Monetary Order.

Preliminary Matter

The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding on the Tenant. The Proof of Service document declares that on September 30, 2010 at 9:45 a.m., the Landlord's agent served the Notice of Direct Request Proceeding on the Tenant by registered mail. The Landlord did not provide the address to which the documents were mailed.

Section 89(1)(c) of the Act allows for service of Notice of Hearing documents by registered mail **to the address at which the person resides**. The Landlord has not provided sufficient evidence that the Tenant was served at his residence.

The Landlord's application is dismissed with leave to reapply.

Conclusion

The Landlord's application is 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: October 18, 2010.
