



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## DECISION

Dispute Codes      OPR MNR

### Introduction

This hearing proceeded by way of Direct Request Proceeding, pursuant to section 48(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.

The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on November 2, 2010, a limited company served the Tenant with the Notice of Direct Request Proceeding via registered mail. The proof of service document instructs applicants to attach the mail receipt "complete." However, the Landlord did not provide or list the address used for the service to the Tenant. The Canada Post Receipt included only the Tenant's name, city and province.

### Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession and a Monetary Order pursuant to section 48 of the *Manufactured Home Park Tenancy Act*?

### Background and Evidence

I have carefully reviewed the following evidentiary material submitted by the Landlord:

- A copy of the Proof of Service of the Notice of Direct Proceeding for the Tenant;
- A copy of the tenancy agreement which was signed by all parties on April 20, 2009 for the pad rent of \$460.00 payable on the first of each month; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on, October 19, 2010, with an effective vacancy date of October 29, 2010 due to \$1505.00 in unpaid rent.

Documentary evidence filed by the Landlord indicates that the Tenants were served the 10 Day Notice to End Tenancy for Unpaid Rent on October 19, 2010 via registered mail. Canada Post receipts were provided in the Landlord's evidence.

### Analysis

The Landlord submitted a copy of the proof of service of the Notice of Direct Request form which lists the Landlord's company name after the word "I" and before the word served. The proof of service form is a declaration made by the person who conducted the service and that person is required to complete and sign the document. With the Company name listed as the person who conducted the service and the form being signed with an initial and last name, I cannot determine who conducted the service of documents to the Tenant. In this situation the person who conducted the service should have printed their full legal name in place of where the company's name is listed. In addition the Canada Post tracking receipt was not fully completed with the address of where the Landlord sent the hearing packing. In the presence of an incomplete proof of service form I cannot find that the Tenant has been sufficient served with Notice of the Direct Request Proceeding in accordance with the Act.

Based on the foregoing, I find that this application does not meet the requirements of the Direct Request proceeding and the application is dismissed with leave to reapply.

### Conclusion

I HEREBY DISMISS the Landlord's application, 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 *Manufactured Home Park Tenancy Act*.

Dated: November 15, 2010.

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Dispute Resolution Officer