



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes

OPR, MNR

Introduction

This hearing proceeded by way of Direct Request Proceeding, pursuant to section 74(2)(b) of the 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 March 12, 2011, the landlord served tenant S.S. with the Notice of Direct Request Proceeding via registered mail.

The Proof of Service document supplied as evidence included a partial copy of a mail document; no tracking number or service address was supplied, nor was a copy of the Canada Post receipt supplied as evidence. The landlord did not supply any evidence of service to the 2nd tenant named on the application.

In the absence of proof of service to each tenant via registered mail, as required by section 89 of the Act, I find that this application is dismissed with leave to reapply.

Further, I note that the landlord has supplied evidence of a 10 Day Notice ending tenancy issued on March 2, 2011, which does not include an effective vacancy date.

Conclusion

Having found that the landlord has failed to prove service of the Notice of this proceeding to each of the tenants I find that the 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: March 23, 2011.

Residential Tenancy Branch