



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes: MNR OPR

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 two signed Proofs of Service of the Notice of Direct Request Proceeding which declare that on April 13, 2011 one of the Landlords served each Tenant with the Notice of Direct Request Proceeding by registered mail. The Landlord submitted copies of a Canada Post documents that indicate packages were mailed on this date, however the documents do not provide the address to which the packages were mailed. The Landlord does not state the address to which the packages were 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 Tenants that a direct request proceeding has been initiated. The Landlord has the burden of proving that the Tenants were 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 Tenants at their residential address or to a forwarding address that was provided by the Tenants, I find that I am unable to conclude, with reasonable certainty, that these documents have been served on the Tenants in accordance with section 89 of the *Act*.