



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR

Introduction

This hearing proceeded 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 and a Monetary Order for unpaid rent.

The Landlord submitted signed Proofs of Service of the Notice of Direct Request Proceeding which declares that on June 9, 2011, the Landlord served the Tenants with the Notice of Direct Request Proceeding via registered mail. The Landlord did not, however, submit copies of the Canada Post Registered Mail Receipts with the tracking number into evidence, listing the Tenants' names and address to which the documents were sent.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession and a Monetary Order pursuant to section 55 of the *Residential Tenancy Act*?

Analysis

The Landlord submitted signed Proofs of Service of the Notice of Direct Request Proceeding which declares that on June 9, 2011, the Landlord served the Tenants with the Notice of Direct Request Proceeding via registered mail; however the Landlord has failed to submit the registered mail receipts with tracking numbers.

The purpose of serving documents under the *Act* is to notify the person being served of their breach and notification of their rights under the *Act* in response. The Landlord is seeking to end the tenancy due to this breach; however, the Landlord has the burden of proving that the Tenants were served with notice of the Direct Request Proceeding.

In the presence of incomplete information pertaining to the service of the Direct Request Proceeding documents I find that the Landlord has failed to establish that service was in accordance with the Act. 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.

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 *Residential Tenancy Act*.

Dated: June 20, 2011.

Residential Tenancy Branch