



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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 for unpaid rent.

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 June 1, 2011 at 9:30 the Landlord's agent served the Notice of Direct Request Proceeding on the Tenant by registered mail sent to the rental unit. The Landlord provided a copy of the registered mail receipt and tracking number in evidence. Based on the written submissions of the Landlord, I find that the Tenant was served with the Direct Request Proceeding documents pursuant to the provisions of Section 89(1)(c) of the Act.

Issue(s) to be Decided

- Is the Landlord entitled to an Order of Possession?
- Is the Landlord entitled to a Monetary Order for unpaid rent?

Background and Evidence

The Landlord submitted the following evidentiary material:

- A copy of the Proof of Service of the Notice of Direct Proceeding upon the Tenant;
- A copy of the Proof of Service of the Notice to End Tenancy upon the Tenant;
- A copy of a residential tenancy agreement, which was signed by parties on March 11, indicating a monthly rent of \$650.00 due on the first day of each month;
- A copy of the Tenant Ledger; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which was issued on May 13, 2011, with an effective vacancy date of May 28, 2011, for \$675.00 in unpaid rent that was due on May 1, 2011.

The Landlord's Application for Dispute Resolution filed May 30, 2011, indicates that the Tenant owed rent in the amount of \$675.00.

The Landlord's documentary evidence indicates that the Tenant was served the 10 Day Notice to End Tenancy for Unpaid Rent by registered mail to the rental unit on May 13, 2011.

Analysis

I have reviewed all documentary evidence. The Proof of Service form clearly indicates that a receipt must be attached when serving a party by registered mail. The Landlord wrote a tracking number on the Proof of Service of the Notice to End Tenancy, but did not attach the receipt.

Therefore, I find there is insufficient evidence to prove that the Landlord served the Tenant with the document on which the Landlord seeks to end the tenancy.

The Landlord's application is dismissed with respect to its application for an Order of Possession based on the Notice to End Tenancy issued May 13, 2011. The Landlord remains at liberty to reapply for rent owed for the month of May, 2011.

Conclusion

The Landlord's application is **dismissed with respect to its application for an Order of Possession** based on the Notice to End Tenancy issued May 13, 2011. The Landlord **remains at liberty to re-apply for rent owed for the month of May, 2011.**

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: July 14, 2011.

Residential Tenancy Branch