



Dispute Resolution Services

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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 a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on August 27, 2011 at 3:00 p.m. the Landlord served the Tenant with the Notice of Direct Request Proceeding via registered mail. The proof of service document instructs applicants to attach a "completed" Canada Post Registered Mail Receipt, however the Landlord did not provide or list the street address used for the service to the Tenant. The Canada Post Receipt included only the Tenant's name, city name and a postal code.

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

Section 89 of the Act provides that a notice of dispute resolution if being served via registered mail must be served to the address where the tenant resides. The Landlord has not fully completed the Canada Post receipt therefore I cannot determine if the registered mail was served at the address where the Tenant resides.

In the absence of sufficient evidence to prove service of the Notice of this Direct Request Proceeding I find that the Landlord has failed to establish that the Tenant was served in accordance with the Act.

Conclusion

I HEREBY DISMISS this 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: September 02, 2011.

Residential Tenancy Branch