



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 Landlords for an Order of Possession for unpaid rent and a Monetary Order for unpaid rent.

The Landlords submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on September 14, 2011 the Landlords served each Tenant with the Notice of Direct Request Proceeding via registered mail. On each proof of service document where it states to “attach a completed Canada Post Registered Mail Receipt, including tracking number, here or on a separate page” was a Canada Post date stamp and a tracking number which were submitted in the Landlord’s evidence.

Issue(s) to be Decided

1. Have the Landlords met the requirements for proof of service for a Direct Request proceeding?

Background and Evidence

I have carefully reviewed the following evidentiary material submitted by the Landlord:

- A copy of the Proof of Service of the Notice of Direct Proceeding for each Tenant;

Analysis

When a landlord is seeking to end the tenancy due to a breach the Landlord has the burden of proving that the tenants were served with notice of the Direct Request Proceeding, in accordance with section 89 of the Act which states that if served via registered mail it must be sent to the address where the tenant(s) reside.

The Landlords submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on September 14, 2011, the Landlord served the Tenant with the Notice of Direct Request Proceeding via registered mail however the Landlord has failed to provide a copy of the fully complete the registered mail receipt to prove who was sent the registered mail and which address the registered mail package was sent to.

In the presence of incomplete information pertaining to the service of the Direct Request Proceeding documents I cannot determine if service was effected in accordance with the Act. Accordingly, I have determined that this application does not meet the requirements of the Direct Request process, and I hereby dismiss it 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: September 20, 2011.

Residential Tenancy Branch