



# 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 for unpaid rent 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 November 8, 2010 the Landlord served each Tenant with the Notice of Direct Request Proceeding via registered mail. An “incomplete” copy of a Canada Post Receipt was submitted in the Landlord’s evidence, listing only the Tenant’s name, a city, province and postal code.

### Issue(s) to be Decided

1. Has service of the Direct Request Proceeding documents been effected in accordance with section 89 of the *Residential Tenancy Act*?

### Background and Evidence

The Landlord submitted an incomplete Proof of Service of the Notice of Direct Request Proceeding which is signed and declares that on September 19, 2011 at 8:15 p.m. the Landlord served two people; however the Landlord did indicate the method of service use or the surnames of the people who were served.

### Analysis

When seeking to end a tenancy due to a breach a Landlord has the burden of proving that the Tenant was served with notice of the Direct Request Proceeding in accordance with section 89 of the Act.

In the absence complete information pertaining to the method of service of the Direct Request Proceeding documents I cannot find that service was effected in accordance with the Act. Accordingly I dismiss the application, 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 22, 2011.

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Residential Tenancy Branch