



# 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 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 September 29, 2011 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 and a city name.

### 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 29, 2011 at 4:00. the Landlord served each Tenant via registered mail. However, the registered mail receipts were not fully completed to indicate the address which the registered mail documents were sent.

### 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 which stipulates that if service is conducted via registered mail then the registered mail must be sent to the address where the person resides.

In the absence complete information pertaining to the address 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: October 04, 2011.

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Residential Tenancy Branch