



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DIRECT REQUEST 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.

Evidence indicates that the landlord received the Direct Request Proceeding package and the landlord submitted signed Proof of Service of the Notice of Direct Request Proceeding declaring that the landlord served the tenant with the Notice of Direct Request Proceeding by registered mail sent to the tenant's mailing address which was a post office box on October 5, 2011. The landlord included the registered mail tracking slip which documented the name of the party served.

Based on the testimony given by the landlord, I find that the tenant was not properly served with this Application in compliance with Section 89 of the Act which states that an application for dispute resolution, when required to be served by the landlord to the tenant, must either be given directly to the person or sent by registered mail to the address at which the person resides or to a written forwarding address provided by the tenant.

In this instance the Notice of Hearing was sent by registered mail to a Post Office Box rather than to the tenant's current address where the tenant is actually residing. The burden is on the applicant to prove that the service was within the above provisions. As the landlord served the documents to an address that was not confirmed to be that of the tenant's current residence, I find that this would not meet the definition of service by registered mail to the "*address at which the person resides*" and is therefore not valid service under the Act.

Having found that the landlord has failed to meet the proof of service requirement by showing the full name and the complete address where the mail had been sent, I find that this application cannot proceed and must be dismissed. Accordingly 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: October 6, 2011.

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Residential Tenancy Branch