



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 Landlords 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 17, 2011 the Landlord served the Tenant with the Notice of Direct Request Proceeding via registered mail. An “incomplete” copy of a Canada Post Receipt was submitted in the Landlords’ evidence, listing only the Tenant’s 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 November 17, 2011 at 3:45 p.m. the Landlords served the Tenant via registered mail; however the Landlords did not provide the address to which the registered mail was 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.

Section 89(1)(c) of the Act provides that when serving an application for dispute resolution by registered mail it must be sent to the address at which the person resides.

In the absence complete information pertaining to the address that was used to serve the Notice of the Direct Request Proceeding documents via registered mail, 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 Landlords' 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: November 22, 2011.
