



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

This hearing proceeded by way of Direct Request Proceeding, pursuant to sections 55(4) and 74(2) of the *Residential Tenancy Act (Act)*, and dealt with an Application for Dispute Resolution by the Landlord for an Order of Possession and a monetary order.

The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on December 16, 2011 an agent for the Landlord served the Tenant with the Notice of Direct Request Proceeding by registered mail.

The Landlord submitted a copy of a Canada Post Receipt that indicates a package was sent by registered mail, however the receipt does not indicate where the package was mailed to or to whom the package was addressed. The Landlord does not state the address to which the package was mailed on the Proof of Service of the Notice of Direct Request Proceeding.

The purpose of serving the Notice of Direct Request Proceeding is to notify the Tenant that a direct request proceeding has been initiated. The Landlord has the burden of proving that the Tenant was served with the Notice of Direct Request Proceeding.

In the absence of evidence, such as a Canada Post documentation that clearly establishes that the Notice of Direct Request Proceeding was mailed to the Tenant at his residential address or to a forwarding address that was provided by the Tenant, I find that I am unable to conclude, with reasonable certainty, that these documents have been served on the Tenant.

Having found that the Landlord has failed to prove service of the Notice of Direct Request Proceeding, I dismiss the Landlord's Application for Dispute Resolution, 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: December 21, 2011
