



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes**

OPR

### **Introduction**

This matter was conducted by way of Direct Request Proceeding, pursuant to Section 55(4) of the *Residential Tenancy Act* (the "Act"), and dealt with an Application for Dispute Resolution by the Landlord for an Order of Possession for unpaid rent.

### **Issue(s) to be Decided**

Is the Landlord entitled to an Order of Possession?

### **Background and Evidence**

The Landlord submitted the following evidentiary material:

- A copy of the Proof of Service of the Notice of Direct Proceeding for the Tenant;
- A copy of the Proof of Service of the 10 Day Notice to End Tenancy for Unpaid Rent;
- A copy of a residential tenancy agreement which was signed by the parties on July 30, 2007; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent which the Landlord issued on February 2, 2012, with a stated effective vacancy date of February 13, 2012, for \$380.00 in unpaid rent.

The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on March 7, 2012, the Landlord's agent served the Tenant with the Notice of Direct Request Proceeding by registered mail. The Landlord provided a copy of the registered mail receipt and tracking number which does not indicate the address to which the documents were sent.

### **Analysis**

The Direct Request Process allows a decision to be made and an Order of Possession granted on written submissions only, without a hearing taking place. Therefore, the Landlord must provide sufficient documentation to support its application, including proof that the Tenant was served with notice of the Direct Request Proceeding in accordance with the provisions of Section 89 of the Act.

Section 89(2)(b) of the Act provides that an application for an Order of Possession must be mailed to the Tenant to the address at which the Tenant resides.

In the absence of an address on the registered mail receipt, I find that there is insufficient evidence that the Tenant has been duly served with the Direct Request Proceeding documents, and therefore the Landlord's application is dismissed with leave to reapply.

### **Conclusion**

The Landlord's application is dismissed **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: March 16, 2012.

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Residential Tenancy Branch