



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR

### Introduction

This matter was conducted 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 for a monetary order due to unpaid rent.

The landlord provided a Proof of Service of the Notice of Direct Request Proceeding for one of the tenants named on the application.

### Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an Order of Possession for unpaid rent and to a Monetary Order for unpaid rent.

### Proof of Service of Direct Request proceeding

The landlord submitted a proof of service for one of the named tenants on the application; the landlord has provided no other evidence to show that the second tenant on the application was also served with notice of this Direct Request Proceeding.

### Analysis

The purpose of providing proof of service is to provide information for a Direct Request Proceeding to determine that the tenants named on the application were served with Notice of the proceeding as declared by the landlord. The landlord has the burden of

prove in this matter. In the absence of the evidence of proof of service of the Notice of Direct Request Proceeding on the second tenant named on the application, I find that the landlord has failed to establish that both the tenants were served with Notice of Direct Request Proceeding.

### Conclusion

Having found that the landlord has failed to prove service of the Notice of Direct Request Proceeding I have determined that this application be 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: August 30, 2012.

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Residential Tenancy Branch