



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 Landlord 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 the limited company served the Tenant with the Notice of Direct Request Proceeding via registered mail. Canada Post receipts were provided in evidence. The proof of service form was signed with a signature that cannot be interpreted.

Analysis

When a party makes application for dispute resolution they must prove to the Arbitrator that each respondent was served notice of the proceeding as required under the Act. The person who served the documents must either attend the dispute resolution proceeding as a witness and testify to the service or in the case of a Direct Request Proceeding, provide a signed declaration attesting to the service. The proof of service form is the declaration which is to be made by the person who conducted the service and that person is required to list their name as the Landlord or Agent and sign the document.

In this case the Landlord submitted a copy of the proof of service of the Notice of Direct Request form which lists the Landlord's company name after the word "I" and before the word "served". With the Company name listed as the person who conducted the service and the form being signed with a signature that cannot be interpreted, I cannot determine who conducted the service of documents to the Tenant and therefore cannot determine that service was effected in accordance with the Act.

Conclusion

Based on the foregoing, I find there to be insufficient evidence to attest that service was conducted in accordance with the Act. 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: November 15, 2012.

Residential Tenancy Branch