



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

MNR

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 a Monetary Order for unpaid rent.

The landlord named two tenants in filing this application and submitted a Proof of Service of the Notice of Direct Request for each respondent.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding for the male tenant to declare that on December 13, 2012 the landlord posted the Notice of Direct Request Proceeding on the door of the rental unit.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding for the female tenant to declare that on December 13, 2012 the landlord posted the Notice of Direct Request Proceeding on the door of the rental unit and sent it to her via registered mail.

As indicated on the Proof of Service of the Notice of Direct Request, the Act provides that posting on the rental unit door is not an acceptable method of service where the landlord is requesting a monetary order. Therefore, I do not accept that service was affected by posting on the door of the rental unit.

The landlord also submitted a registered mail receipt, including tracking number, dated December 14, 2012. The registered mail receipt was left blank and does not indicate the name of the recipient or the address to which the registered mail was sent. I also note that the landlord did not request an Order of Possession which leads me to question whether the tenant(s) still reside in the rental unit.

In light of the above, I find the landlord has not provided sufficient particulars or evidence for me to conclude to whom the registered mail was addressed, where the registered mail was sent, and whether the tenant(s) resided at the rental unit at the time

of mailing. Therefore, I dismiss this Application, with leave to reapply, due to insufficient proof of service in a manner that complies with the Act.

Conclusion

The landlord's request for a Monetary Order has been dismissed with leave to reapply due to insufficient proof of service.

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 19, 2012.

Residential Tenancy Branch