



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BURNABY LOUGHEED LIONS HOUSING SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

OPR, 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 an Order of Possession 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 Notice of Direct Request Proceeding was sent to the tenant via registered mail. The landlord included a Canada Post receipt and tracking number as proof of service; however, the receipt was not completed in full and does not indicate the address used to send the documents to the tenant.

It is incumbent upon the applicant to prove the respondent has been served in a manner that complies with section 89 of the Act. Where registered mail is used the applicant must prove when and where the registered mail was sent. I find the landlord has not provided sufficient evidence as to where the registered mail was sent and I cannot proceed with this matter based upon an assumption that it was sent to the tenant as his address of residence.

Based on the foregoing, I dismiss the landlord's 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: March 12, 2013

Residential Tenancy Branch

