



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 *Residential Tenancy Act (Act)*, and dealt with an Application for Dispute Resolution by the landlord for an order of possession and a monetary order due to unpaid rent. A participatory hearing was not convened.

The landlord submitted two letters from Canada Post dated April 30, 2013 providing "scanned delivery date and signature recipient of the item identified below". The letters provide items numbers and state that they were delivered on April 24, 2013. The signature on both letters appears to be the same person.

However, the landlord has failed to provide a signed copy of the Proof of Service of the Notice of Direct Request document or the required attachment of the completed Canada Post Registered Mail Receipts for to confirm service to both tenants.

As a result, I find the landlord has failed to provide sufficient evidence to establish that either or both tenants were served with the Notice of Request documents in accordance with directions and the *Act*.

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, pursuant to Sections 46, 55, 67, and 72 of the *Act*.

Conclusion

As the landlord has failed to provide evidence of service of his Application and Direct Request proceeding, 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: May 03, 2013

Residential Tenancy Branch

