



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* (the "Act"), and dealt with an Application for Dispute Resolution by the landlord for an Order of Possession and a monetary order.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on May 15, 2013 at 9:30 p.m. the tenant was either personally served or the documents were posted to the door. The landlord supplied a copy of a Proof of Service of Notice of Direct Request document that indicated both methods of service may have been used.

I am unable to determine if the tenant was in fact given the documents or if they were posted to the door. If the documents were posted to the door then service would support a request for an order of possession only. Where the landlord has indicated the Proof of Service documents were posted to the door, there is no evidence as to where posting occurred. The address is indicated on the section of the Proof Service document where personal delivery would be made; the personal service box was not selected.

I am unable to assume which method of service was used; either the tenant was personally served or service occurred by posting. In the absence of clear, consistent evidence showing the method and place of service I find that the application is 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: May 22, 2013

Residential Tenancy Branch