



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 on October 10, 2013, the Landlord served the Tenant with the Notice of Direct Request Proceeding via registered mail. An “blank” copy of the Canada Post tracking receipt was submitted in the Landlord’s evidence.

Issue(s) to be Decided

Has service of the Direct Request Proceeding documents been effected in accordance with section 89 of the *Residential Tenancy Act*?

Background and Evidence

The Landlord submitted proof of Service of the Notice of Direct Request Proceeding form which is signed and declares that on October 10, 2013 at 2:30 p.m. the Landlord served the Tenant by registered mail. A blank Canada Post tracking receipt was attached to the service document.

Analysis

When seeking to end a tenancy due to a breach and obtain a monetary order a landlord has the burden of proving that the tenant was served with notice of the Direct Request Proceeding in accordance with section 89(1) of the Act.

The Proof of Service form indicates the following:

*Attach a **completed** Canada Post Registered Mail Receipt, including tracking number here or on a separate page [my emphasis added].*

Section 89(1)(c) of the Act provides that when serving an application for dispute resolution by registered mail it must be sent to the address at which the person resides.

The Landlord provided a blank Canada Post tracking receipt which does not list the person's name or an address of where the packages were sent; therefore, I cannot determine if service was effected in accordance with the Act. Accordingly I dismiss the application, with leave to reapply.

Conclusion

I HEREBY 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: October 11, 2013

Residential Tenancy Branch

