



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding W & Y HOLDINGS
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR

Introduction

This matter was scheduled to deal with a landlord's Application for an Order of Possession and Monetary Order for unpaid rent by way of a Direct Request Proceeding, pursuant to section 55(4) of the Residential Tenancy Act (the "Act").

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding to declare that on September 11, 2013 the landlord sent the tenant the Notice of Direct Request Proceeding via registered mail. The landlord provided a Canada Post receipts as evidence of service; however, the space provided for the recipient's address was left blank.

Direct Request proceedings are based upon written submissions of the landlord only; thus, it is crucial that all pertinent information be provided by the landlord in order for the landlord to succeed. In order to proceed to consider the landlord's Application it is critical that the landlord prove the respondent was served with the required documentation.

Sending registered mail to a tenant's current address of residence or forwarding address is an acceptable method of serving a tenant with an Application for Dispute Resolution and Notice of Direct Request Proceeding; however, the applicant must provide sufficient details so that an Arbitrator is able to determine that the above service requirements were met. In the absence of any address appearing on the registered mail receipt, or anywhere else on the Proof of Service of Direct Request Proceeding, I find I am unable to determine the address the landlord used to serve the documentation and conclude that the tenant was served in a manner that meets the above requirements.

Considering the above, I find the landlord has not proven service of the Application for Dispute Resolution and Notice of Direct Request Proceeding upon the tenant. Accordingly, 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: September 17, 2013

Residential Tenancy Branch

