



# 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 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 for each tenant to declare that on September 4, 2013 the landlord sent each tenant a Notice of Direct Request Proceeding via registered mail. The landlord provided 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 respondents were 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 receipts, or anywhere else in the documentation provided to me, I find I am unable to determine the address the landlord used to serve the documentation and conclude that the tenants were 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 tenants. 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 12, 2013

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Residential Tenancy Branch

