



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 24, 2013, the Landlord served each Tenant with the Notice of Direct Request Proceeding via registered mail. Incomplete proof of service documents were provided which indicated that each Tenant was served via Registered mail and only the tracking numbers and cash register receipts were attached.

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 forms which are signed and declare that on October 24, 2013 at 11:30 a.m. the Landlord served each Tenant by registered mail. The Landlord did not attach the actual full tracking receipt completed with the Tenant's name, address, postal code, and tracking number. Nor did the Landlord fully complete the proof of service document to indicate the address where the registered mail was sent. Rather, a portion of the tracking receipt which displays only the Tracking Number was attached to the proof of service form along with a cash register receipt.

Analysis

When seeking to end a tenancy due to a breach a landlord has the burden of proving that each tenant was served with notice of the Direct Request Proceeding in accordance with section 89 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 incomplete Canada Post tracking receipts which do not list anything but the tracking number and he did not fully complete the proof of service document. Therefore, I cannot determine which address the registered mail packages were sent and 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 28, 2013

Residential Tenancy Branch

