



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Top Vision Realty Inc.
and [tenant name suppressed to protect privacy]

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 December 2, 2013 the landlord served the tenant with the Notice of Direct Request Proceeding via registered mail. The landlord provided a Canada Post receipt and tracking number as evidence of service.

The Canada Post receipt provided as evidence recorded only a 1st name. I note that the proof of service document supplied as evidence, which included a copy of the Canada Post receipt, indicated that the landlord sent the registered mail to a person who has a different 1st name than that of the tenant named on the application. The receipt was not fully completed and did not contain a last name, or any portion of the address to which the documents were mailed.

In the absence of evidence on the receipt or another notation on the proof of service documents I am unable to determine the address that was used for service. I cannot assume that the landlord used the rental unit mailing address. Further, the name on the proof of service document and Canada Post receipt does not match that of the tenant named as a respondent.

When applying for dispute resolution via Direct Request Proceeding the information must be complete and not require clarification. Therefore, I find that service to the tenant who signed the tenancy agreement is not proven and that the application is dismissed with leave to reapply.

Conclusion

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: December 09, 2013

Residential Tenancy Branch

