



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding NACEL PROPERTIES LTD
and [tenant name suppressed to protect privacy]

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 December 05, 2013, the Landlord served the Tenant with the Notice of Direct Request Proceeding via registered mail. An “incomplete” copy of each Canada Post Receipts was submitted in the Landlords’ evidence listing only the Tenant’s name.

Issue(s) to be Decided

1. 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 December 05, 2013 at 3:00 p.m. the Landlord served the Tenant by registered mail. An incomplete Canada Post tracking receipt was attached to the service document and listed the Tenant’s name.

Analysis

When seeking to end a tenancy due to a breach a landlord has the burden of proving that the 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 an incomplete Canada Post tracking receipt which does not list the actual street address of where the packages were sent or the city and postal code. 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: December 13, 2013

Residential Tenancy Branch

