



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Regent Park Pinacle Realty
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

OPR, MNR

Introduction

This hearing was initiated by way of Direct Request Proceeding, pursuant to sections 55(4) and 74(2) of the *Residential Tenancy Act (Act)*, in response to an Application for Dispute Resolution filed by the Landlord. The Landlord applied for an Order of Possession and a monetary Order.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession for unpaid rent and to a monetary Order for unpaid rent, pursuant to sections 55 and 67 of the *Act*?

Background and Evidence

The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on December 20, 2013 the Landlord mailed the Notice of Direct Request Proceeding to the Tenant via registered mail. The Landlord submitted a copy of a Canada Post Receipt that indicates a package was mailed to the Tenant, however it does not provide the address to which the package was mailed. The Landlord does not state the address to which the package was mailed on the Proof of Service of the Notice of Direct Request Proceeding.

Analysis

The purpose of serving the Notice of Direct Request Proceeding is to notify the Tenant that a direct request proceeding has been initiated. The Landlord has the burden of proving that the Tenant was served with the Notice of Direct Request Proceeding.

In the absence of evidence, such as a Canada Post receipt, that clearly establishes that the Notice of Direct Request Proceeding was mailed to the Tenant at the Tenant's residential address or to a forwarding address that was provided by the Tenant, I find

that I am unable to conclude, with reasonable certainty, that these documents have been served on the Tenant in accordance with section 88 of the *Act*.

Conclusion

Having found that the Landlord has failed to prove that the Notice of Direct Request Proceeding was served in accordance with section 88 of the *Act*, I dismiss the Application for Dispute Resolution 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 30, 2013

Residential Tenancy Branch

