



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR

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 Landlords for an Order of Possession for unpaid rent.

The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on January 27, 2014, the Landlord served the Tenant with the Notice of Direct Request Proceeding via registered mail. An **incomplete** copy of a Canada Post Receipt was submitted in the Landlords' evidence.

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 a proof of Service of the Notice of Direct Request Proceeding form which is signed and declares that on January 27, 2014, the Landlord served the Tenant by registered mail. An incomplete Canada Post tracking receipt was attached to the service document and listed only the Tenant's first initial and last name, a city name, and the province.

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 an incomplete Canada Post tracking receipt which does not list the actual street address or postal code of where the package was sent; 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: January 29, 2014

Residential Tenancy Branch

