



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 Landlords for an Order of Possession for unpaid rent and a Monetary Order for unpaid rent.

The Landlords submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on February 14, 2014, the Landlords served each Tenant with the Notice of Direct Request Proceeding via registered mail. The Landlords did not attach a completed copy of the tracking label and they did not indicate on the proof of service document the address to which the registered mail was sent. The Landlords submitted a copy of each cash register receipt displaying a tracking number.

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 Landlords submitted an Application for Dispute Resolution which lists two landlords, J.T. and A.M.T. They also submitted a copy of the tenancy agreement which displays the landlords as being J.T. and A.L. There was no evidence or statement provided that would indicate why or when A.L. changed her name to A.M.T.

The Landlords provided a proof of Service of the Notice of Direct Request Proceeding forms which are signed and declare that on February 14, 2014, at 3:10 p.m. the Landlord, J.T., served each Tenant by registered mail. The Landlords attached a copy of each cash register receipt displaying a tracking number; however, they did not attach a completed copy of the tracking label and they did not indicate on the proof of service document the address to which the registered mail was sent.

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 did not provide completed Canada Post tracking receipts showing the full address of where the packages were sent, nor did they complete the proof of service document showing the address where the packages were sent. Therefore, I cannot determine if service was effected in accordance with the Act. Accordingly I dismiss the application, with leave to reapply.

Furthermore, there is no explanation on file that would indicate why or when the Landlord A.T. changed her name to A.M.T. or if this was a name change and not a different person.

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: February 19, 2014

Residential Tenancy Branch

