



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR

### Introduction

This non-participatory matter was conducted by way of a direct request proceeding, pursuant to section 55(4) of the Residential Tenancy Act (the “Act”), via the documentary submissions of the landlord, and dealt with an application for dispute resolution by the landlord for an order of possession for the rental unit due to unpaid rent and for a monetary order for unpaid rent, all pursuant to a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the “Notice”).

In addition to other documentary evidence, the landlord submitted 2 signed Proof of Service of the Notice of the Direct Request forms indicating the tenant had been served their notice of this proceeding via registered mail; the Proofs of Service forms, however, failed to state the date the registered mail was sent. Additionally the landlord submitted a customer receipt for the registered mail service, but not the payment receipt which would indicate the date upon which the registered mail was sent.

### Analysis and Conclusion

The direct request procedure is based upon written submissions only. Accordingly, written submissions must be sufficiently complete and compliant with the Act in order to succeed.

One of the documents that must be submitted in order to qualify for the direct request proceeding is proof of the date and manner in which the landlord served the tenant, in this case, each tenant, with the notice of the direct request proceeding consistent with the requirements of the Act.

As the landlord submitted 2 Proof of Service of the Notice of the Direct Request forms which does not contain an accurate service date, I cannot determine that the tenants were served the hearing documents in a manner complying with section 89(1) of the Residential Tenancy Act.

The purpose of serving documents under the *Act* is to notify the person being served of their breach and notification of their rights under the *Act* in response. The landlord is seeking to obtain an order of possession and end the tenancy due to this breach; however, the landlord has the burden of proving that the tenant was served with notice of the Direct Request Proceeding consistent with the requirements of the *Act*.

As described above, I therefore find the landlord's application under the direct request proceeding to be deficient as required by the *Act* and I therefore I 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 12, 2014

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Residential Tenancy Branch

