



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DIRECT REQUEST DECISION

Dispute Codes:

OPR, MNR

Introduction

This application proceeded by way of Direct Request Proceeding, pursuant to section 55(4) of the Act. The landlord seeks an Order of Possession and a monetary order for rental arrears based on a 10-Day Notice to End Tenancy for Unpaid Rent.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on March 7, 2014 at 2:30 p.m., the landlord served the tenant with the Notice of Direct Request Proceeding and indicated that it was served by being:

"Posted at :SHOPPERS WEST END....VERNON, BC".

The landlord did not check the box on the form beside "*Registered Mail*", but did include a registered mail tracking slip that documented the name of the party served. However, I note that there is not any address shown on the Canada Post registered mail tracking receipt.

Section 89(1) of the Act imposes specific requirements for where and how the applicant must serve a respondent with a Notice of Hearing. For that reason I find that the service address must be verified and the documentation relied upon must be complete in order to establish service to the specific person and address identified. I find that the landlord has not met the requisite burden of proof regarding the service of this application.

Having found that the landlord has failed to sufficiently meet the proof of service requirement by showing the full name and the complete address where the mail had been sent, I have determined that this application cannot proceed and must be dismissed with leave to reapply

Conclusion

The landlord is not successful in the application due to insufficient proof of service and the application is dismissed 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: March 21, 2014

Residential Tenancy Branch

