



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding KENMARK INVESTMENTS
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR

Introduction

This matter was conducted by way of a Direct Request Proceeding, pursuant to Section 55(4) of the *Residential Tenancy Act* (the "Act") in response to an application made by the Landlord for an Order of Possession and a Monetary Order for unpaid rent.

Analysis & Conclusion

The Direct Request process is a mechanism that allows the Landlord to apply for an expedited decision without a participatory hearing. As a result, the Landlord must follow and submit documentation **exactly** as the Act prescribes and there can be no omissions or deficiencies within the written submissions that are left open to interpretation or inference.

The Landlord submitted a Proof of Service form which indicates that, on April 16, 2014, the Landlord personally served the Tenant with the Notice of Direct Request package. However, the Landlord has not signed the Proof of Service document. The Direct Request Proceeding relies on this document as a declaration of service for the Notice of Direct Request package and without a signature, the Proof of service form is incomplete.

As a result, I find that the Landlord has failed to provide sufficient evidence that the Tenant was notified of the Direct Request Proceeding. I therefore dismiss the Landlord's application but provide leave to re-apply.

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: April 17, 2014

Residential Tenancy Branch

