



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction

This matter proceeded by way of Direct Request Proceeding, pursuant to section 55(4) of the *Residential Tenancy Act* (the "Act"), and dealt with an Application for Dispute Resolution by the landlord for an Order of Possession and a Monetary Order for unpaid rent. It must be noted that the landlord's Application states the tenant has left. In this type of matter, the landlord must prove they served the tenant with the Notice of Direct Request proceedings with all the required inclusions as indicated on the Notice.

The landlord's application must provide a signed Proof of Service of the Notice of Direct Request form. The Application contents reflect the landlord provided the requisite *Proof of Service of the Notice of Direct Request*; however, the details section of landlord's Application states the tenant has vacated, yet the landlord has submitted that they sent the tenant the Notice of Direct Request form by registered mail to the already vacated dispute address.

Analysis

I find that the landlord has not provided the required proof that they served the Notice of Direct Request proceeding documentation as required. I am not satisfied by the landlord's submissions the tenant has been served with notice of this process. Therefore, **I dismiss** the landlord's application for Direct Request, **with leave to reapply**.

Conclusion

This 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: May 21, 2014

Residential Tenancy Branch

