



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding FIRST SERVICE RESIDENTIAL  
and [tenant name suppressed to protect privacy]

## **DIRECT REQUEST 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 landlord for an Order of Possession and a monetary order.

Evidence indicates that the landlord received the Direct Request Proceeding package on June 18, 2014 and submitted signed Proof of Service of the Notice of Direct Request Proceeding declaring that the landlord served each of the two cotenants with the Notice of Direct Request Proceeding by registered mail on June 20, 2014. The landlord has included the registered mail tracking slips on the two proof of service forms, but these stubs are missing the names of the parties served. I note that there is not any address shown on either of the registered mail tracking receipts. The landlord has not included the Canada Post receipts either.

It appears that the landlord may have served these parties in person as well. The form indicates that the application was left with one or both co-tenants at the dispute address. However, this is not sufficiently clear to determine whether the date shown for service applies to the mailing of the registered mail or whether it relates to the in-person service.

In addition, the proof of service forms each only include the first name of the person serving the documents and no surname. And each form also contains the names of both co-tenants in the space provided, so it is not clear which registered mail stub applied to which tenant.

I find that further clarification is required with regard to service of these application documents.

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 the address must be

verified and documentation relied upon must be complete in order to establish proof of service to the specific person and the address must also be identified regarding service by registered mail. 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 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 must be 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: July 15, 2014

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Residential Tenancy Branch

