



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding KIM GIN AND SONS LTD.
and [tenant name suppressed to protect privacy]

DIRECT REQUEST DECISION

Dispute Codes OPR, MNR

Introduction

This hearing proceeded by Direct Request Proceeding, under section 55(4) of the Act, with an Application by the landlord for an Order of Possession and a monetary order.

Evidence indicates the landlord received the Direct Request Proceeding package on June 26, 2014. The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding declaring that the tenant was served with the Notice of Direct Request Proceeding by registered mail on June 26, 2014. Although the landlord attached a registered mail receipt from Canada Post, the landlord failed to include a copy of the tracking slips which document the name and the address where the Notice was sent. I note that there is no address shown on the Proof of Service form either.

Section 89(1) of the Act imposes requirements for where and how an 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 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 the landlord failed to meet the proof of service requirement by giving the complete address where the mail had been sent, I have determined that this application must be dismissed. Accordingly, I hereby dismiss the 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: July 15, 2014

Residential Tenancy Branch

