



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Tachion Development Ltd.  
and [tenant name suppressed to protect privacy]

## **DECISION**

### Dispute Codes

OPR, MNR

### Introduction

This matter was conducted 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.

The landlord submitted 2 signed Proof of Service of the Notice of Direct Request Proceeding documents which declare that on July 18, 2014 the landlord served each tenant with the Notice of Direct Request Proceeding via registered mail. The landlord provided a Canada Post receipt and tracking number as evidence of service to each tenant.

The registered mail receipts indicate that the female tenant was served via registered mail to the rental unit address. The male tenant has been served to an address that has not been identified; it differs from the rental unit address.

Section 89 of the Act requires service be completed to the address where the tenant resides. As the address for service to the male tenant differs from the residential address, I find that service to the male respondent is not proven.

The landlord has provided a copy of a mutual agreement to end a tenancy signed by 1 of the co-tenants on July 9, 2014. The parties have agreed the tenancy would end on July 15, 2014. From the evidence before me it appears that 1 of the co-tenants may have vacated, while the other has not. However, I cannot make assumptions based on the written submissions. Residential Tenancy Branch policy suggests that when 1 co-tenant gives notice ending the tenancy, or agrees to end the tenancy, then all tenants have given notice. I find this takes a reasonable stance.

The landlord applied for dispute resolution on July 17, 2014; indicating that perhaps a tenant remains in the rental unit; however I cannot make this assumption. In the absence of evidence that the female tenant signed, accepting the registered mail sent to the rental unit address I cannot, with confidence, find that the tenant remained in the unit until July 23, 2014; the date service would be deemed completed.

Therefore, in the absence of service proven to the address where the tenants reside I find that the application is dismissed with leave to reapply.

Conclusion

The application is dismissed with leave to reapply.

This decision is final and binding and 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 24, 2014

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Residential Tenancy Branch

