



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **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 (Act)*, and dealt with an Application for Dispute Resolution by the landlord for an order of possession and a monetary order due to unpaid rent. A participatory hearing was not convened.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on August 15, 2014 at 9:20 p.m. the landlord served each tenant with the Notice of Direct Request Proceeding by attaching a copy on the door or other noticeable place. The landlord did not provide further explanation as where the notice was attached, such as affixing the package to the door itself or to some other noticeable place, despite being provided with space on the Proof of Service Notice of Direct Request Proceeding document.

The purpose of serving documents under the *Act* is to notify the person being served of their breach and notification of their rights under the *Act* in response. The landlord is seeking to end the tenancy due to this breach through the Direct Request process; the landlord has the burden of proving that the tenant was served with the Notice of the Direct Request Proceeding.

### Issues to be Determined

The issues to be decided are whether the landlord is entitled to an order of possession for unpaid rent and to a monetary order for unpaid rent, pursuant to Sections 46, 55, 67, and 72 of the *Residential Tenancy Act (Act)*.

Analysis

As the landlord has failed to provide complete information as to where the Notice of Direct Request Proceeding documents were served I find the landlord has failed to establish that either tenant was served in accordance with the *Act*.

Conclusion

Having found that the landlord has failed to prove service of the Notice of Direct Request Proceeding I dismiss this 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: August 18, 2014

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Residential Tenancy Branch

