



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes OPR, MNR

### Introduction

This hearing proceeded by way of Direct Request Proceeding, pursuant to section 74(2)(b) of 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 a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on August 2, 2014 at 4:45 p.m. the Landlord served the Tenant with the Notice of Direct Request Proceeding.

The Landlord did not provide a copy of a completed Canada Post Registered Mail Receipt and tracking number. The Proof of Service document instructs, "Note: This must be completed and faxed with registered mail receipts, if applicable, to continue with the Direct Request Proceeding". Under the title "Method of Service", the Proof of Service document also instructs, "attach a completed Canada Post Registered Mail Receipt, including tracking number on a separate page". In the absence of the Registered Mail Receipt and tracking number, I find that the Landlord has provided insufficient evidence to establish that the Tenant was served with the Notice.

### Conclusion

Having found that the Landlord has failed to prove service of the Notice of Direct Request Proceeding I have determined that this application 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: August 08, 2014

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Residential Tenancy Branch

