



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

OPR, MNR

Introduction

The landlord applied for an Order of Possession and a Monetary Order for unpaid rent under the Direct Request Procedure, pursuant to section 55(4) of the *Residential Tenancy Act* (the “Act”).

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding to declare that the Notice of Direct Request Proceeding and supporting documents were served in person on September 4, 2014; however, the landlord failed to indicate the name of the person to whom the documents were given in the space provided on the Proof of Service document.

Dispute resolution proceedings are based on the principles of natural justice. Natural justice requires that a respondent be informed of the nature of the claim and action being made against them by the applicant. This is one of the many purposes of serving the Notice of Direct Request Proceeding and other documents upon the tenant. The Act requires that the applicant serve the respondent with the Notice of Direct Request Proceeding and the applicant's evidence in a manner that complies with section 89 of the Act.

As the Direct Request procedure is based upon written submissions of the landlord only, the submissions must be sufficiently complete and valid in order to succeed. Where information is missing it is not appropriate or just for an Arbitrator to make an assumption with respect to the missing information.

In light of the above, I find I am unable to conclude the tenant was sufficiently served with notification of this proceeding in a manner that complies with the Act and I dismiss the landlord's 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: September 16, 2014

Residential Tenancy Branch

