



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DIRECT REQUEST DECISION

Dispute Codes OPR, MNR

Introduction

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

Evidence indicates that the landlord made the application and received the Direct Request Proceeding package on July 30, 2014. The landlord submitted signed Proof of Service of the Notice of Direct Request Proceeding declaring that the landlord served the tenant with the Notice of Direct Request Proceeding by registered mail.

The landlord attached the registered mail tracking slip with the name of the party served, but without an address written in below the name on the slip. However, the Residential Tenancy Branch “*Proof of Service*” form submitted by the landlord did include confirmation of the service address. I find that the landlord failed to complete crucial portions of the “*Proof of Service*” form. The landlord did not place check marks in the spaces designated to indicate what documents were served and also neglected to complete the section confirming the date and time the hearing documents were served. In addition to the above, in the section requesting;

“Full name of person serving the documents, including, if applicable, company name”,

The landlord had written, “*Canada Post Registered mail*”, and did not provide the full name of the person or company serving the documents.

Section 89(1) of the Act imposes specific requirements for where and how the 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 that the landlord has failed to meet the proof of service requirement by not properly completing all sections of the "Proof of Service" form, I have determined that this application must 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: September 05, 2014

Residential Tenancy Branch

