



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Fair Label Enterprises 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 (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 an unsigned Proof of Service of the Notice of Direct Request Proceeding which declares that hand delivery was the method of service. There is no other information on the Proof of Service such as the name of the person being served; the name of the person serving the document; or the date that service occurred. The Proof of Service was received by the Residential Tenancy Branch on September 4, 2014.

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.

Analysis

With absolutely no information about service of the Notice of Direct Request Proceeding other than it was hand delivered I find that the landlord has failed to establish that the tenant was served with the Notice of Direct Request Proceeding.

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: September 09, 2014

Residential Tenancy Branch

