



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding HUME INVESTMENTS LTD.  
and [tenant name suppressed to protect privacy]

## **DIRECT REQUEST DECISION**

Dispute Codes: OPR, MNR

### Introduction

This application proceeded by way of Direct Request Proceeding, pursuant to section 55(4) of the Act. The landlord seeks an Order of Possession and a monetary order for rental arrears based on a 10-Day Notice to End Tenancy for Unpaid Rent.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on October 2, 2014 at 6:00 p.m., the landlord served the tenant with the Notice of Direct Request Proceeding by registered mail. Section 90 of the Residential Tenancy Act, (*the Act*), determines that a document is deemed to have been served on the fifth day after it was sent.

### Preliminary Matter

Evidence indicates that the landlord made the application on October 24, 2014 and received the Direct Request Proceeding package thereafter. However, 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 on October 2, 2014.

The landlord attached the registered mail tracking slip with the name of the party served and a copy showing only a portion of the receipt from Canada Post. The date of the receipt is obscured.

I find that the date that the landlord claims to have served the Notice of Direct Request Proceeding cannot have occurred prior to date that the landlord made the application for Direct Request, October 24, 2014.

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 and date of the registered mail 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: November 13, 2014

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Residential Tenancy Branch

