



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding RAAMCO INTER PROPERTIES CANADA 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* (the *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.

The Direct Request process is a mechanism that allows the landlord to apply for an expedited decision without a participatory hearing. As a result, the landlord must follow and submit documentation **exactly** as the *Act* prescribes and there can be no omissions or deficiencies within the written submissions that are left open to interpretation or inference.

The landlord submitted a copy of the Application for Dispute Resolution which contained Canada Post tracking information. The information provided names a different person and a different address to the tenant named on the tenancy agreement and the landlord's application.

The purpose of providing a proof of service document is to provide information for a Direct Request Proceeding to determine that the tenant was served with Notice of the proceeding as declared by the landlord. The landlord has the burden of proving that the tenant was served with the Notices of the Direct Request proceeding.

Analysis

In the absence of the any evidence of proof of service of the Notice of Direct Request Proceeding to show that the tenant named on the application was served in accordance with the *Act*, I find that the landlord has failed to establish that the tenant was served with Notice of Direct Request Proceeding.

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: January 29, 2015

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Residential Tenancy Branch

