



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Dogwood Holdings Society  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR, MNR

### Introduction

This matter proceeded by way of Direct Request Proceeding, pursuant to section 55(4) of the Residential Tenancy Act (the “Act”), and deals with an Application for Dispute Resolution dated January 15, 2016 by the Landlord for:

1. An Order of Possession – Section 55; and
2. A Monetary Order for unpaid rent – Section 67.

Given the Landlord's signed proof of service, I find that the Landlord served the Tenant with the Notice of Direct Request Proceeding by registered mail on January 18, 2016 in accordance with the Act.

### Issue(s) to be Decided

Has the Landlord provided evidence of service of a notice to end tenancy?

### Background and Evidence

In the Application the Landlord claims unpaid rent of \$450.00 and attaches a copy of a 10 day notice to end tenancy for unpaid rent dated January 4, 2016 (the “Notice”). While there is a copy of a registered mail receipt dated January 4, 2016 there are no submissions made or signed proof of service provided that the Notice was given to the Tenant in any manner.

### Analysis

Section 46 of the Act provides that a landlord may end a tenancy for unpaid rent by giving the tenant a 10 day notice for unpaid rent. Section 88 of the Act sets out the various ways the Notice may be given or served. Although there may be some implication that the Notice was given by registered mail, as this is a direct request proceeding, I find that such evidence is insufficient and that an actual statement of service such as contained in a “proof of service” document provided by the RTB is required for these proceedings.

As the Landlord has failed to provide evidence of service of the Notice, I cannot find that the Landlord effectively ended the tenancy. I therefore dismiss the application with leave to reapply.

### Conclusion

The application is 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 21, 2016

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Residential Tenancy Branch

