



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPU-DR-PP

### Introduction

This matter proceeded by way of an *ex parte* 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 based on unpaid rent.

The landlord submitted two signed Proof of Service Notice of Direct Request Proceeding forms which declare that the landlord sent the Notices of Direct Request Proceeding by registered mail. The landlord provided a copy of the Canada Post Customer Receipts containing the Tracking Numbers to confirm these mailings.

### Issue(s) to be Decided

Is the landlord entitled to an Order of Possession for unpaid rent pursuant to sections 46 and 55 of the *Act*?

### Analysis

In this type of matter, the landlord must prove they served the tenants with the Notice of Direct Request Proceeding with all the required inclusions as indicated on the Notice as per section 89 of the *Act*.

I find that the Proof of Service Notice of Direct Request Proceeding forms do not indicate the date the Notice of Direct Request Proceeding documents were sent, the address they were sent to, or the names of the tenants being served.

I further find that the Canada Post Customer Receipts also do not contain this relevant information which is necessary to confirm service of the Notice of Direct Request Proceeding documents to the tenants to the rental unit and on a specific day.

As I am not able to confirm service of the Notices of Direct Request Proceeding to the tenants, which is a requirement of the Direct Request process, the landlord's application for an Order of Possession for unpaid rent is dismissed with leave to reapply.

Conclusion

I dismiss the landlord's application for an Order of Possession for unpaid rent 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 16, 2020

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Residential Tenancy Branch