

DECISION

Dispute Codes OPR MNR FF

Introduction

The Landlord has applied for an Order of Possession, a Monetary Order for unpaid rent, and to recover the cost of the filing fee from the Tenant through the Direct Request Process.

In support of their claim the Landlord has submitted an application for dispute resolution, a copy of the 10 Day Notice to End Tenancy, a copy of the tenancy agreement, along with other documentary evidence. I note that the Tenant's name as listed on the tenancy agreement, the 10 Day Notice to End Tenancy and the Landlord's application for dispute resolution is different than the name listed on the proof of service of the Notice of Direct Request and the envelope in which the Notice of Direct Request was mailed in.

The purpose of issuing and serving documents under the *Act* is to notify the person being named and 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; however, the landlord has the burden of proving that the Tenant is correctly named and properly served with the Notice of Direct Request.

Based on the above I find that service to the Tenant was not done in accordance with section 90 of the *Residential Tenancy Act* and I hereby dismiss the Landlord's application with leave to reapply.

Conclusion

I HEREBY DISMISS the Landlord's 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: August 06, 2009.

Dispute Resolution Officer