

DECISION

Dispute Codes OPR MNR FF

Introduction

This hearing proceeded by way of Direct Request Proceeding, pursuant to section 55(4) of the Act, and dealt with an Application for Dispute Resolution by the Landlord for an Order of Possession, a Monetary Order, and to recover the cost of the filing fee from the Tenant for this application.

The Landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on December 1, 2009 the Limited Company served the Tenant with the Notice of Direct Request Proceeding via registered mail. Canada Post Receipt numbers were submitted in the Landlord's documentary evidence, and the proof of service form was signed.

Analysis

The Landlord submitted a copy of the proof of service of the Notice of Direct Request form which indicates that a Limited Company performed the service. I note that a company cannot perform service of documents and the individual who performed the service of the documents, as either the landlord or the landlord's agent, must list their full name on the proof of service form and sign at the bottom of the form attesting to the service.

As a company cannot perform service of documents I find that the proof of service document submitted into evidence to be invalid. In the absence of a valid proof of service form, I find that the Landlord has failed to prove that service of the Notice of Direct Request has been effected in accordance with the Act, and I hereby dismiss this 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: December 17, 2009.

Dispute Resolution Officer