



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Century Group Lands Corporation
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 (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. A participatory hearing was not convened.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that the landlord served the tenant with the Notice of Direct Request Proceeding via registered mail. The service date was not completed.

While the landlord has included a Canada Post tracking receipt there is also no date indicated on the receipt. As such, I cannot determine when the landlord served the Notice of Direct Request package or if this registered mail was obtained before or after the landlord applied for the Direct Request.

The purpose of serving documents under the *Act* is to notify the person being 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 through the Direct Request *ex parte* process; the landlord has the burden of proving that the tenant was served with the Notice of the Direct Request Proceeding.

Analysis

Since the Proof of Service is incomplete and does not include the date of service of the Direct Request documents, I find that the landlord has failed to establish that the tenant was served with the Notice of Direct Request proceedings.

Conclusion

Having found that the landlord has failed to prove service of the Notice of Direct Request Proceeding I dismiss this 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: September 22, 2014

Residential Tenancy Branch

