



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## DECISION

Dispute Codes - OPR, MNR, O, FF

### Introduction

This matter was conducted 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 and a monetary order due to unpaid rent and other.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on January 27, 2010 the landlord served the tenant with the Notice of Direct Request Proceeding via Xpresspost mail, without requesting a signature upon delivery.

Section 89 of the Act states an application for dispute resolution, when required to be given to one party by another, must be given:

- by leaving it with person;
- by sending a copy by registered mail to the address at which the person resides;
- by registered mail to a forwarding address provided by the tenant;
- or
- as ordered by the director.

Canada Post states that "Registered Mail secures the signature of the addressee (or representative) and provides the sender with a mailing receipt, a copy of the signature and the date upon delivery of the item." As a result, I find the landlord has not used registered mail to serve the documents, as required by the legislation.

The landlord has failed to show what address the Xpresspost mail was sent to and as such, I find I cannot confirm if the Proceeding Documents were sent to an address at which the tenants reside or a forwarding address provided by the tenant

Based on the written submissions of the landlord, I find that the tenant has not been served with the Dispute Resolution Direct Request Proceeding documents.

Conclusion

As service of the Notice Direct Request Proceeding is not in compliance of the Act, I dismiss the landlord's application in its entirety, 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: February 09, 2010.

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Dispute Resolution Officer