



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction and Preliminary Issue

This matter proceeded by way of a 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 for the rental unit due to unpaid rent and a monetary order for unpaid rent.

In addition to other documentary evidence, the landlord submitted two copies of registered mail customer receipts, but he failed to submit Canada Post registered mail receipts as required, showing proof of payment of the registered mail.

Analysis and Conclusion

Section 89 of the Residential Tenancy Act requires that an application for dispute resolution be served upon the respondent (the tenants in this case) by certain methods, including by registered mail as is the case here.

The Direct Request process is a mechanism that allows the landlord to apply for an expedited decision, with that the landlord must follow and submit documentation exactly as the *Act* prescribes; there can be no omissions or deficiencies with items being left open to interpretation or inference.

I find that the landlord has not met the requirements of the Act by their failure to submit proof that the tenants were served with a Notice of the Direct Request application, due to the lack of a receipt showing proof of payment for the registered mail. Without this proof, I cannot conclude that the tenants were served notice of the direct request application.

Based on the above I find that the landlord's application package do be deficient and does not meet the requirements for the Direct Request process. 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* and is being mailed to both the applicant and the respondents.

Dated: July 22, 2013

Residential Tenancy Branch