



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, FF

Introduction

A hearing was conducted by conference call in the presence of the tenant and applicant and in the absence of the respondent. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

The Applicant testified that she served the respondent by mailing, by UPS to the address for service of the respondent. She provided a tracking number. A search of the UPS service states the packaged was delivered on September 23, 2013. It states it was left at the office and it was signed for by someone with the initials CJ. This is not the initials of the landlord.

The Residential Tenancy Act permits a party to serve a monetary claim on another by personal service or by registered mail to where the other person resides or to the other person's place of business. The Residential Tenancy Act defines "**registered mail**" includes any method of mail delivery provided by Canada Post for which confirmation of delivery to a named person is available.

Policy Guideline 8 includes the following:

ii. Registered Mail

- Where a tenant is serving a landlord by registered mail, the address for service must be where the landlord resides at the time of mailing or the address at which the landlord carries on business as a landlord. (See section 6 and 7 below)

- Where a landlord is serving a tenant by registered mail, the address for service must be where the tenant resides at the time of mailing, or the forwarding address provided by the tenant.

Registered Mail includes any method of mail delivery provided by Canada Post for which confirmation of delivery to a named person is available.

I determined the applicant has failed to prove sufficient service of the Application for Dispute Resolution/Notice of Hearing on the respondent. While the Act permits service by registered mail it provides that “registered mail” includes any method of mail delivery provided by Canada Post for which confirmation of delivery to a number person is available. The use of the UPS service is not Canada Post. The applicant failed to prove that the respondent received the package. **As a result I order that the application be dismissed with liberty to re-apply. Liberty to re-apply is not an extension of any limitation period.**

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: October 19, 2013

Residential Tenancy Branch

