



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Lido Enterprises
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR

Introduction

This matter proceeded by way of 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 and a monetary order for unpaid rent.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on April 9, 2014, the landlord served the tenant with the Notice of Direct Request Proceeding via Express Post.

Issue to be Decided

Has the tenant been properly served with the Notice of Direct Request Proceeding?

Background and Evidence

The landlord submitted evidence that the Notice of Direct Request Proceeding was sent via Express Post to the tenant on April 9, 2014.

Analysis

Section 89 of the Act allows a number of means of service of an application for dispute resolution, which is part of the Notice of Direct Request Proceeding package. Sending those documents through the mail is permitted when the applicant sends them via registered mail. In section 1 of the *Residential Tenancy Act*, the definition of “registered mail” includes “any method of mail delivery provided by Canada Post for which confirmation of delivery to a named person is available.”

The receipt submitted as evidence by the landlord shows that the documents were sent via Express Post and that the landlord did not request that a signature be required upon delivery.

I find that the landlord has not complied with the service requirements of the Act and because delivery to the tenant cannot be confirmed, I am not satisfied that the tenant has actual knowledge of the claim made against her. I therefore dismiss the application with leave to reapply.

Conclusion

The application is dismissed 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: April 24, 2014

Residential Tenancy Branch

