



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding GREY MOUNTAIN HOLDINGS LTD.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes OPR, MNR, FF

### Introduction

This hearing was scheduled to deal with a landlord's Application for an Order of Possession and a Monetary Order for unpaid rent. The tenant did not appear at the hearing. The building manager testified that he slid the hearing documents provided to him by the owner of the property under the door of the rental unit. I noted that included in the evidence provided to the Branch was a receipt for Xpresspost dated May 21, 2014 and I enquired as to the relevancy of this receipt. The building manager was unaware of the receipt and indicated that it must have been provided to the Branch by the owner of the property.

Where the respondent does not appear at a hearing, the applicant must be prepared to prove service of the hearing documents in a manner that complies with section 89 of the Act. Failure to prove service may result in the matter being dismissed, or dismissed with leave to reapply.

Sliding hearing documents under the door of the rental unit is not one of the permissible methods of service under section 89. Registered mail is an acceptable method of service; however, where this method is used, proof of service should include a registered mail receipt given complete with the name of the addressee, the address used for service, the date of mailing and tracking number. I was provided a receipt for Xpresspost but the receipt does not indicate to whom the mail was sent or at what address. Upon searching the tracking number listed on the receipt, which is not consistent with a registered mail tracking number, I noted that a signature was not requested by the sender. Where a sender uses Xpresspost and requests a signature of the recipient, the Arbitrator may be satisfied that the registered mail criteria have been met. Rather, the only information garnered from the search was that an Xpresspost package was "delivered". I am unable to conclude from this search where or to whom the mail was sent. I find the proof of service provided to me to be insufficient to conclude the hearing documents were sent to the tenant via registered mail. Therefore, 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: June 03, 2014

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Residential Tenancy Branch

