



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

OPR, MNR

Introduction

The landlords applied for an Order of Possession and a Monetary Order for unpaid rent under the Direct Request Procedure, pursuant to section 55(4) of the *Residential Tenancy Act* (the "Act").

The landlords submitted a signed Proof of Service of the Notice of Direct Request Proceeding for each tenant. The landlords indicated that on October 16, 2014 they sent the Notice of Direct Request Proceeding and supporting documents to the male tenant via registered mail at the rental unit address. The landlords did not identify in the space provided on the Proof of Service the type of documentation that was sent to the female tenant via registered mail on October 16, 2014.

Policy Guideline 12: *Service Provisions* provides that where a party chooses to deliver documents via registered mail, any method of mail delivery provided by Canada Post is acceptable provided confirmation of delivery to the named person is available.

The Canada Post receipts provided for my review show the landlords used standard Express Post without requesting a delivery signature. A search of the tracking numbers show the Express Post packages were delivered in White Rock even though the address for the tenants was purported to be at the rental unit in Surrey. Since the landlords did not request a signature upon delivery I am unable to determine who signed for the Express Post packages on October 17, 2014.

I also note that the landlords are seeking a Monetary Order for unpaid rent from the start of the tenancy (April 15, 2014) through to the current month, leaving me uncertain as to whether the tenants moved in to the rental unit, or continue to reside in the rental unit, and what efforts were made to mitigate losses.

For all of the above reasons, I dismiss this Application due to insufficient proof of service and it is dismissed with leave to reapply for a participatory hearing.

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 28, 2014

Residential Tenancy Branch

