



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes**

OPR, MNR

### **Introduction**

This hearing was convened by way of conference call in response to the landlord's application for an Order of Possession for unpaid rent or utilities and for a Monetary Order for unpaid rent or utilities. The landlord had originally filed for a Direct Request Proceeding, however, this was reconvened to a participatory hearing and the landlord was required to service a copy of the Reconvened Notice of Hearing upon the tenant.

At the outset of the hearing the landlord advised that the tenant is no longer residing in the rental unit, and therefore, the landlord withdraws the application for an Order of Possession.

Service of the hearing documents, by the landlords to the tenant, was done in accordance with section 89 of the *Act*; served originally in person on June 27, 2016. The tenant did not attend this participatory reconvened hearing. The landlord testified that the Reconvened Notice of Hearing was sent by courier service on July 09, 2016 and that until the resolution of the 2016 Canada Post labour disruption, any documents of the type described in section 88 or 89 of the *Residential Tenancy Act* are sufficiently served for the purposes of the *Act* if they are sent by courier.

The landlords did not provide proof of service of the Notice of Reconvened Hearing by courier service despite being given extra time to produce these documents after the hearing concluded. It is therefore my finding that the landlords have insufficient evidence to prove that they served the tenant with the Notice of Reconvened Hearing for Dispute Resolution as required under the Order issued on June 29, 2016 by the Residential Tenancy Branch regarding courier service as indicated below or by a method permitted under s. 88 or 89 of the *Residential Tenancy Act*.

## ***Dispute Resolution Services***

*Residential Tenancy Branch  
Office of Housing and Construction Standards*

*In matters of the Residential Tenancy Act, SBC 2002, c. 78, as amended or the  
Manufactured Home Park Tenancy Act, SBC 2002, c. 77, as amended*

**ORDER**

Pursuant to sections 71(2)(a), (b) and (c) of the Residential Tenancy Act and sections 64(2)(a), (b) and (c) of the Manufactured Home Park Tenancy Act, I order that:

☐ Until the resolution of the 2016 Canada Post labour disruption, any documents of the type described in section 88 of the Residential Tenancy Act or section 81 of the Manufactured Home Park Tenancy Act are sufficiently served for the purposes of Act if they are sent by courier;

☐ any documents of the type described in section 89(1) or 89(2) of the Residential Tenancy Act or section 82(1) or 82(2) of the Manufactured Home Park Tenancy Act are sufficiently served for the purposes of Act if the sender requests signature upon delivery and

o the recipient of the documents signs a document provided by the courier which acknowledges receipt; or

o the courier leaves a notice of attempted delivery in the mailbox or posted to the door; or

o if the courier is not able to leave the notice of attempted delivery in the mailbox or posted to the door, the courier leaves the notice of attempted delivery in a conspicuous place and the sender provides proof that they have attempted to contact the recipient by telephone or email to inform the recipient of the attempted delivery; and

☐ any document sent by courier during this period is deemed to have been received on the actual date of delivery in cases where the recipient of the document signs a document acknowledging receipt, or on the 5th day after the document or the delivery attempt notice is sent, in any other case.

Dated: June 29, 2016

J. Donald, A/Executive Director

I am therefore unwilling to issue any Monetary Orders for this application as there is insufficient evidence that the tenant was served in accordance with this Order.

Conclusion

This 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: August 12, 2016

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Residential Tenancy Branch

