



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MNDC, FF

Introduction

This was an application by the landlords for a monetary order for unpaid rent. The hearing was conducted by conference call. The landlord attended with his translator but the tenants did not call into the conference and did not participate. The landlord sent the application for dispute resolution and Notice of Hearing to the tenants by mail. The landlord provided a copy of Canada Post receipts for the mail sent on January 11, 2016. The landlord said the documents were sent by registered mail and they were properly served on the tenants. The Canada Post receipts submitted by the landlord contained tracking numbers for the items that were sent. According to the Canada Post records the landlord sent the items by registered mail, but he chose a form of mail that did not require any signature from the recipient to acknowledge delivery.

Section 89 of the *Residential Tenancy Act* provides that an application for dispute resolution must be given to a tenant by leaving a copy with the tenant, or by sending a copy by registered mail to the address at which the person resides or to the tenant's forwarding address. The Act defines "registered mail" as follows:

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

Analysis and conclusion

The method of delivery chosen by the applicant did not provide for confirmation of delivery to a named person; it is not a method authorized by section 89 of the Act because it does not meet the definition of "registered mail" contained in the Act. Section 89 is mandatory; it provides that an application must be given in one of the ways provided. The landlord has not provided evidence to prove that the mail was sent to the respondents or that the mail was received by either of them. In the absence of proof of

service of the application for dispute resolution, the landlords' 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 22, 2016

Residential Tenancy Branch

