



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* ("Act") for:

- a monetary award pursuant to section 67 of the *Act*.

Only the tenant attended the way by way of conference call which lasted approximately ten minutes.

The tenant said he served the landlord with his application for dispute by way of Canada Post Registered Mail, though the tenant could not recall which date this package was sent nor could the tenant produce a copy of the Registered Mail receipt. The tenant said he specifically recalled returning to a Service B.C. office to ensure the Registered Mail receipt was uploaded with his evidence, though he was unsure on which date he returned to the office.

A review of the evidence submitted by the tenant contains no copy of the Canada Post Registered Mail receipt or tracking number.

Analysis

While Canada Post Registered Mail is a recognized form of service pursuant to section 89 of the *Act*, it is imperative that a party retain a copy of all documents associated with proof of service.

Residential Tenancy Policy Guideline #12 states as follows, "Where the respondent does not appear at a dispute resolution hearing, the applicant must be prepared to prove service of the notice of hearing package. Proof of service of other documents may

be submitted in support of claims for dispute resolution in accordance with the Rules of Procedure...Proof of service by Registered Mail should include the original Canada Post Registered Mail receipt containing the date of service, the address of service, and that the address of service was the person's residence at the time of service, or the landlord's place of conducting business as a landlord at the time of service as well as a copy of the printed tracking report.”

I find the tenant has failed to adequately demonstrate proof of service related to his documents sent by way of Registered Mail. For this reason, the tenant’s application is dismissed with leave to reapply.

Conclusion

The tenant has not sufficiently demonstrated that he served the landlord with his application for dispute in a manner allowed and required by section 89(1) of the *Act*. The tenant’s application for a monetary award 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: March 07, 2019

Residential Tenancy Branch