



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSDS-DR

Introduction

This matter proceeded by way of an *ex parte* Direct Request Proceeding, pursuant to section 38.1 of the *Residential Tenancy Act* (the *Act*), and dealt with an Application for Dispute Resolution by the tenant for a Monetary Order for the return of the security deposit (the deposit).

The tenant submitted a signed Proof of Service Tenant's Notice of Direct Request Proceeding which declares that on December 1, 2020, the tenant sent the landlord the Notice of Direct Request Proceeding. The tenant provided a copy of a Fed Ex receipt and shipment summary to confirm this mailing.

Issue(s) to be Decided

Is the tenant entitled to monetary compensation for the return of a security deposit pursuant to sections 38 and 67 of the *Act*?

Analysis

In this type of matter, the tenant must prove they served the landlord with the Notice of Direct Request Proceeding with all the required inclusions as indicated on the Notice as per section 89 of the *Act* which permits service "by sending a copy by registered mail..."

The definition of registered mail is set out in section 1 of the *Act* as "any method of mail delivery provided by Canada Post for which confirmation of delivery to a named person is available."

I find that the tenant sent the Notice of Direct Request Proceeding to the landlord by Fed Ex, which is not a method of delivery offered by Canada Post. As such, I find the tenant's mailing does not meet the definition of registered mail as defined under the *Act*.

Since I find that the tenant has not served the landlord with notice of this application in accordance with section 89 of the *Act*, I dismiss the tenant's application for a Monetary Order for the return of the security deposit with leave to reapply.

Conclusion

The tenant's application for a Monetary Order for the return of the security deposit 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: December 17, 2020

Residential Tenancy Branch