



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes OPR-DR, OPRM-DR, FFL

This matter proceeded by way of an *ex parte* Direct Request Proceeding pursuant to section 55(4) of the *Residential Tenancy Act* (the “*Act*”) and dealt with an Application for Dispute Resolution filed by the Landlord for an order of possession and a monetary order based on unpaid rent, and an order granting recovery of the filing fee.

The Landlord submitted signed Proof of Service - Notice of Direct Request Proceeding documents which declare that the Landlord served each of the Tenants with a Notice of Direct Request Proceeding by registered mail on February 24, 2021 (the “Proof of Service documents”). The Landlord submitted Canada Post receipts which confirmed the Landlord sent these documents to the Tenants via Canada Post Xpresspost on that date.

In this type of matter, the Landlord must prove they served the Tenants with the Notice of Direct Request Proceeding with all the required inclusions as indicated as per sections 89(1) and (2) of the *Act* which permit service “by sending a copy by registered mail to the address at which the person resides...”

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 Tracking Numbers provided by the Landlord with the Proof of Service documents are for packages sent by Canada Post Xpresspost, which may or may not require a signature from the individual to confirm delivery to the person named as the respondent. In this case, Canada Post’s Online Tracking System confirms that signatures were either not available or were not requested. As a result, I find that confirmation of delivery to a named person is not available. Therefore, it does not meet the definition of registered mail as defined under the *Act*.

Since I find that the Landlord has not served the Tenants with the Notice of Dispute Resolution Proceeding in accordance with sections 1 and 89 of the *Act*, I dismiss the Landlord's application for an order of possession and a monetary order for unpaid rent with leave to reapply.

As the Landlord was not successful in this application, I find that the Landlord's request to recover the \$100.00 filing fee is dismissed without 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 10, 2021

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Residential Tenancy Branch