



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR-DR, OPRM-DR

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 for unpaid rent.

The Landlord submitted a signed Proof of Service Notice of Direct Request Proceeding which declares that the Landlord served the Tenant with a Notice of Dispute Resolution Proceeding by Canada Post Xpresspost on April 30, 2021. A receipt and tracking information were provided in support of service in this manner.

In this type of matter, the Landlord must prove they served the Tenant with the Notice of Direct Request Proceeding with all the required inclusions as per subsections 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 information provided by the Landlord is for a package sent by Canada Post Xpresspost, which may or may not require a signature to confirm delivery to the person named as the respondent.

In this case, Canada Post’s online tracking information confirms that a signature was not available or was not requested. As a result, I find I am unable to confirm delivery to the Tenant. I find this does not meet the definition of registered mail under section 1 of the *Act*.

Since I find that the Landlord has not served the Tenant with notice of this application 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.

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: May 13, 2021

Residential Tenancy Branch