



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 for unpaid rent and to recover the filing fee.

The Landlord submitted signed Proof of Service Notice of Direct Request Proceeding documents which declare that the Landlord served each Tenant with a Notice of Dispute Resolution Proceeding and supporting documents by registered mail on June 1, 2021.

In this type of matter, the Landlord must prove they served the Tenants with the Notice of Direct Request Proceeding and supporting documents in accordance with section 89 of the *Act* which permits 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 packages sent by Canada Post Xpresspost, which may or may not require a signature to confirm delivery to the Tenants.

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 it is not possible to confirm delivery to the Tenants. 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 Tenants with the Notice of Dispute resolution Proceeding and supporting documents 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: June 10, 2021

Residential Tenancy Branch