



# 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* 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 they served the Tenant with a Notice of Dispute Resolution Proceeding and supporting documents by registered mail on June 10, 2021. A hand-written tracking number was provided in support.

In an *ex parte* Direct Request Proceeding, the onus is on the landlord to ensure that all submitted evidentiary material is in accordance with the prescribed criteria and that such evidentiary material does not lend itself to ambiguity or give rise to issues that may need further clarification beyond the purview of a Direct Request Proceeding. If the landlord cannot establish that all documents meet the standard necessary to proceed via the Direct Request Proceeding, the application may be found to have deficiencies that necessitate a participatory hearing, or, in the alternative, the application may be dismissed.

Policy Guideline #39 provides direction to landlords making an application for dispute resolution by Direct Request. It confirms that proof of service by registered mail may include a "Canada Post Registered Mail receipt showing the date and time of purchase and printed tracking report".

In this case, the Landlord claimed the above documents were served by registered mail and provided a hand-written tracking number. However, the Landlord did not provide further documentation in support of service by registered mail, such as that referred to in Policy Guideline #39. As a result, I find I am unable to confirm service of the Notice of Dispute Resolution Proceeding and supporting documents on the Tenant by registered mail.

Considering the above, I order that the Landlord's requests for an order of possession and a monetary order for unpaid rent are 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: June 15, 2021

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Residential Tenancy Branch