



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR-DR, MNR-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 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 evidence by registered mail on December 8, 2021. Service in this manner was supported by a copy of a Canada Post Registered Domestic Customer Receipt which provides the tracking number, and a copy of an envelope.

Policy Guideline #39 provides guidance to a landlord making an application for dispute resolution by direct request. It confirms that a landlord must prove service of the Notice of Dispute Resolution Proceeding and supporting evidence on a tenant. The landlord may prove service by registered mail by providing a "Canada Post Registered Mail receipt showing the date and time of purchase and printed tracking report".

In this case, the Landlord provided a copy of a Canada Post Registered Domestic Customer Receipt which shows the tracking number. However, this document does not include the date and time of purchase. The Landlord did not provide a printed tracking report.

Considering the above, I find I am not able to confirm service of the Notice of Dispute Resolution Proceeding and supporting evidence on the Tenant in accordance with Policy Guideline #39.

I order that the Landlords' request for a monetary order and an order of possession for unpaid rent are dismissed with leave to reapply.

As the Landlord has not been successful, I order that the Landlord's request to recover the 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: January 14, 2022

Residential Tenancy Branch