



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSDB-DR, FFT

This matter proceeded by way of an ex parte Direct Request Proceeding, pursuant to section 38.1 of the Residential Tenancy Act (the Act) and dealt with an Application for Dispute Resolution by the Tenants for a monetary order for the return of a security deposit and a pet damage deposit, and to recover the filing fee.

The Tenants submitted signed Proof of Service Tenant Notice of Direct Request Proceeding documents which declare that the Tenants served the Landlords with the Notice of Dispute Resolution Proceeding and supporting documents by registered mail on December 23, 2021. In support, the Tenants submitted copies of Canada Post registered mail receipts which confirm the date of service and provide a tracking number.

Policy Guideline #49 confirms that the Tenants must prove they served each Landlord with the Notice of Dispute Resolution Proceeding and supporting evidence in accordance with section 89 of the Act, which permits service “by sending a copy by registered mail”.

Policy Guideline #49 describes proof of service by registered mail as a “Canada Post Registered Mail receipt showing the date and time of purchase and printed tracking report”.

In this case, the Tenants submitted two copies of the same receipts which displayed only one tracking number. Although date-stamped, the time of purchase is obscured on the purchase receipt. Further, the Tenants did not include a printed tracking report.

Considering the above, I find I am unable to determine which of the Landlords was served with the above documents. Even if I was able to confirm which Landlord was served, insufficient tracking information was provided to confirm receipt of the Notice of Dispute Resolution Proceeding and supporting evidence.

As a result, I order that the Tenants' request for a monetary order for the return of the security deposit and the pet damage deposit is dismissed with leave to reapply. This is not an extension of any time limit established under the Act.

As the Tenants were not successful, I find that the Tenants are not entitled to recover the \$100.00 filing fee paid to make this application.

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 20, 2022

Residential Tenancy Branch