



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 Landlords for an order of possession and a monetary order for unpaid rent and to recover the filing fee.

The Landlords submitted signed Proof of Service Notice of Direct Request Proceeding documents which declare that the Landlords served the Tenants with a Notice of Dispute Resolution Proceeding and supporting evidence by registered mail on February 4, 2022.

When making an application for dispute resolution by Direct Request, a landlord must prove that the Notice of Dispute Resolution Proceeding and supporting documents were served on the tenant in accordance with section 89 of the Act. Registered mail is an acceptable method of service under this provision.

Policy Guideline #39 provides direction to landlords serving documents by registered mail. It confirms a 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 Landlords provided Proof of Service Notice of Direct Request Proceeding documents but did not include receipts showing the date and time of purchase or a printed tracking report. I also note the tracking numbers provided on the Proof of Service Notice of Direct Request Proceeding documents do not appear in the usual Canada Post registered mail format.

Considering the above, I find there is insufficient proof of service of the Notice of Dispute Resolution Proceeding and supporting documents on the Tenants. Therefore, I order that the Landlords' requests for an order of possession and a monetary order for unpaid rent are dismissed with leave to reapply.

As the Landlords have not been successful, I order that the Landlords' 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: February 23, 2022

Residential Tenancy Branch