



# Dispute Resolution Services

Page: 1

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.

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.

In this case, the Landlord submitted signed Proof of Service Notice of Direct Request Proceeding documents which declare that the Landlord served each of the Tenants with the Notice of Dispute Resolution Proceeding and supporting documents by registered mail on January 29, 2022. Service in this manner was supported by date-stamped Canada Post Registered Domestic Customer Receipts which included the tracking numbers.

Policy Guideline #39 provides direction to landlords who make an application for dispute resolution by Direct Request. With respect to proving service by registered mail, it confirms that a "Canada Post Registered Mail receipt showing the date and time of purchase and printed tracking report" is required.

In this case, the Landlord did not provide a Canada Post receipt to confirm the time of purchase or a printed tracking report. As a result, I find I am unable to confirm service of the Notice of Dispute Resolution Proceeding and supporting documents on the Tenants in accordance with the Act and Policy Guideline #39.

As the Landlord has not proven service of the Notice of Dispute Resolution Proceeding and supporting documents in accordance with the Act and Policy Guideline #39, 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.

As the Landlord has not been successful, I order that the 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 16, 2022

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Residential Tenancy Branch