



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.

The Landlord submitted a signed Proof of Service Notice of Direct Request Proceeding which declares that the Landlord served the Tenant with a Notice of Dispute Resolution Proceeding and supporting documents by registered mail on March 18, 2022. Service in this manner was supported by Canada Post Registered Domestic Customer Receipt which includes the tracking number.

Policy Guideline #39 provides direction to landlords making an application for dispute resolution by Direct Request. It confirms that a landlord must prove service of the Notice of Direct Request Proceeding in accordance with section 89 of the Act, which permits service by registered mail.

Policy Guideline #39 confirms that a "Canada Post Registered Mail receipt showing the date and time of purchase and printed tracking report" is sufficient proof of service by registered mail.

As noted above, the Landlord in this case submitted a Canada Post Registered Domestic Customer Receipt. However, this document did not show the date and time of purchase, and the Landlord did not submit a printed tracking report.

Considering the above, I find there is insufficient evidence before me to confirm the Landlord served the Notice of Dispute Resolution Proceeding on the Tenant 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 Landlord's request for an order granting recovery of 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: April 8, 2022

Residential Tenancy Branch