



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes**      **OPR-DR, MNR-DR, FFL**

### **Introduction**

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 by the landlord to obtain an Order of Possession based on unpaid rent, to obtain monetary compensation for unpaid rent, and to recover the filing fee paid for the application.

The landlord submitted a copy of two Proof of Service Notice of Direct Request Proceeding forms which declare that on April 29, 2022, the landlord sent each tenant the Notice of Dispute Resolution Proceeding - Direct Request by registered mail to the rental unit.

### **Issues to be Decided**

Is the landlord entitled to an Order of Possession for unpaid rent pursuant to sections 46 and 55 of the *Act*?

Is the landlord entitled to monetary compensation for unpaid rent pursuant to section 67 of the *Act*?

Is the landlord entitled to recover the filing fee for this application pursuant to section 72 of the *Act*?

### **Analysis**

In this type of matter, the landlord must prove they served each tenant with the Notice of Dispute Resolution Proceeding – Direct Request and all documents in support of the application in accordance with section 89 of the *Act*.

The Proof of Service Notice of Direct Request Proceeding form instructs the landlord to attach a completed Canada Post Registered Mail Receipt to confirm service.

I note that the landlord typed tracking numbers on the Proof of Service forms; however, I find the landlord has not submitted a copy of the Canada Post Registered Mail Receipts themselves.

Furthermore, I note that section 89 of the *Act* permits service *“by sending a copy by registered mail to the address at which the person resides...”*

The definition of registered mail is set out in section 1 of the *Act* as *“any method of mail delivery provided by Canada Post for which confirmation of delivery to a named person is available.”* Policy Guideline #12 on Service Provisions goes on to clarify that this *“includes Express post, if the signature option is used.”*

I find that the tracking numbers provided by the landlord with the Proof of Service Notice of Direct Request Proceeding forms are for packages sent by Canada Post’s Express post mailing, which may or may not require a signature from the individuals to confirm delivery to the persons named as the respondents.

In this case, Canada Post’s Online Tracking System shows that signatures were not required for the delivery of these Express post mailings and, as such, they do not meet the definition of registered mail as defined under the *Act*.

I find I am not able to confirm service of the Notices of Dispute Resolution Proceeding - Direct Request to the tenants in accordance with section 89 of the *Act*, and for this reason I dismiss the landlord’s application for an Order of Possession and a Monetary Order for unpaid rent with leave to reapply.

As the landlord was not successful in this application, I find that the landlord is not entitled to recover the \$100.00 filing fee paid for this application.

Conclusion

The landlord's application for an Order of Possession and a Monetary Order for unpaid rent is dismissed with leave to reapply.

The landlord's application to recover the filing fee paid for this application 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: May 27, 2022

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Residential Tenancy Branch