



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding THREE STAR MANAGEMENT LTD.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes OPR, MNR

### Introduction

This matter proceeded by way of Direct Request Proceeding, pursuant to section 55(4) of the Act, and dealt with an Application for Dispute Resolution by the landlord for an order of possession and a monetary order.

The landlord submitted a signed Proof of Service of the Notice of Direct Request Proceeding which declares that on October 10, 2014, the landlord served the tenant with the Notice of Direct Request Proceeding by registered mail.

However, rather than providing a registered mail tracking receipt the landlord has submitted a receipt from a courier company that the landlord used.

Section 89 of the Act allows the landlord to serve the documents in several ways, with personal service and use of registered mail as the preferred methods for a Direct Request as explained in the policy guidelines.

Furthermore, the Proof of Service document is clear that registered mail or personal service is to be used to serve the tenant when requesting a monetary order.

Section 89 of the Act does not allow a landlord to use a courier for service of these documents. Using registered mail is proof sufficient to have a tenant deemed served under section 90 of the Act. However, there is no deemed service provision for a document sent by courier.

Therefore, in the absence of proof that the tenant was served with the Notice of this Direct Request Proceeding in accordance with the Act, I have determined that this application must be dismissed with leave to reapply.

Conclusion

Having found that the landlord has failed to prove service of the Notice of Direct Request Proceeding I have determined that this application must be dismissed with leave to reapply.

This decision is final and binding on the parties, unless otherwise provided under the Act, and is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: October 21, 2014

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Residential Tenancy Branch

