



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, FF

Introduction

This hearing dealt with the tenant's Application for Dispute Resolution seeking a monetary order.

The hearing was conducted via teleconference and was attended by the tenant only.

The tenant provided documentary evidence to confirm the landlord was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* by registered mail on August 10, 2012 in accordance with Section 89. As per Section 90, the documents are deemed received by the landlord on the 5th day after it was mailed.

The evidence also shows the landlord refused the registered mail notice of hearing package. Based on the evidence of the tenant, I find that the landlord has deliberately refused the receipt of these documents in an attempt to avoid service on these matters. Refusal to accept these documents by his own actions has prevented the landlord from attending this hearing and I find the landlord has been sufficiently served with the documents pursuant to the *Act*.

At the outset of the hearing the tenant withdrew her Application for Dispute Resolution.

Issue(s) to be Decided

The issues to be decided are whether the tenant is entitled to a monetary order for compensation for damage or loss resulting from the tenancy and to recover the filing fee from the landlord for the cost of the Application for Dispute Resolution, pursuant to Sections 67 and 72 of the *Act*.

Conclusion

As the tenant has withdrawn her Application for Dispute Resolution on these matters I note that she remains at liberty to file a subsequent Application in the future for any damage or loss she believes results from the tenancy, in accordance with the provisions of the *Act*.

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: October 18, 2012.

Residential Tenancy Branch