



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNDC; OLC; RPP

Introduction

This is the Tenant's application for compensation for damage or loss under the Act, Regulation or tenancy agreement; an Order that the Landlord comply with the Act, Regulation or tenancy agreement; and an Order that the Landlord return the Tenant's personal property.

The Tenant gave affirmed testimony at the Hearing.

Preliminary Matters

The Tenant testified that he served the Landlord with the Notice of Hearing documents and copies of his documentary evidence by registered mail sent on March 22, 2013. The Tenant also testified that the registered mail was returned to him "refused". The Tenant provided a copy of the envelope and tracking numbers in evidence.

Section 89 of the Act provides for service by way of registered mail. Refusal to accept documents served in this manner does not change the service provisions of the Act. Parties are deemed to be served 5 days after the documents are mailed.

However, in this case the Tenant sought to withdraw his application in order to gather more evidence. I saw no prejudice to the Landlord and therefore, I granted the Tenant's application to withdraw.

The Tenant is at liberty to file another Application seeking the same relief should he choose to do so.

Conclusion

The Tenant's application to withdraw his Application for Dispute Resolution is granted.

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 29, 2013

Residential Tenancy Branch