



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      LANDLORD: OPC, MNR, MNDC, FF  
TENANT: CNC, ERP, MT, RR, FF

### Introduction

This hearing dealt with cross applications for Dispute Resolution filed by both the Landlord and the Tenant.

The Landlord filed seeking an Order of Possession, for compensation for unpaid rent and for loss or damage under the Act, regulations or tenancy agreement and to recover the filing fee for this proceeding.

The Tenant filed seeking an Order to cancel the Notices to End Tenancy, for emergency and general repairs, for more time to make the application and to recover the filing fee for this proceeding.

The Landlord said he service the hearing documents to the Tenant by registered mail on or about October 10, 2013. The Tenant said there was a registered mail package for them around October 10, 2013, but it did not have a name on it so the post office would not release the package to the Tenant's son who went to pick it up. The Tenant continued to say that as the package did not have her name on it she did not pick it up. As a result the Tenant was not serviced with the Landlord's hearing package. Consequently I find the Landlord did not service the Tenant as required to by Section 89 of the Act and therefore the Landlord's application is dismissed with leave to reapply.

The Tenant continued to say that they have made arrangement to move by December 15, 2013 and if the Landlord's application is dismissed then the Tenant's agent said the Tenant is withdrawing her application.

Conclusion

The Landlord's application is dismissed with leave to reapply.

The Tenant withdrew her application.

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: November 18, 2013

---

Residential Tenancy Branch

