



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **REVIEW CONSIDERATION DECISION**

Dispute Codes: FF MNR OPR

### Introduction

This matter came before me as a result of an application by the landlord for an order for a new hearing on a matter for which a final decision was issued on November 04, 2013. The landlord applied on the basis that she was unable to attend the original hearing due to circumstances beyond her control.

### Facts and Analysis

At the original hearing, the tenant provided evidence showing that the landlord was served with the application for dispute resolution and notice of hearing via registered mail sent to her home. A review of the Canada Post tracking information shows that 2 notices were served to the landlord advising that a registered letter was available for her to pick up and that she failed to collect that mail. The landlord provided no evidence showing that she was not home to receive the notices from Canada Post advising of the registered letter.

The landlord cannot avoid service of documents by failing to collect registered letters. I find that it was within the control of the landlord to collect the registered letter and therefore I find that she has not proven that she was unable to attend the hearing due to circumstances beyond her control. Accordingly I find that the application for review on this ground must fail.

### Conclusion

The application for review is dismissed. The decision issued November 04, 2013 is confirmed.

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 20, 2013

---

Residential Tenancy Branch