



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MND, MNSD, MNDC, FF

Introduction

This hearing was scheduled to deal with a landlord's application for monetary compensation for damage to the rental unit or property; unpaid rent or utilities; damage or loss under the Act, regulations or tenancy agreement; and, authorization to retain the security deposit. The tenants did not appear at the hearing. The landlord submitted that the hearing documents were sent to each tenant on August 2, 2013 at the forwarding address mailed to the landlord on July 15, 2013. The landlord orally provided two registered mail tracking numbers as proof of service. The landlord stated the registered mail packages were returned as unclaimed. Section 90 of the Act provides that a recipient is deemed to have received documents five days after mailing so that a party cannot avoid service by refusing to accept or pick up mail. Based upon the above, I was satisfied the landlords served the tenants in a manner that complies with the Act and I continued to hear from the landlords without the tenants present.

The landlords stated that they wished to withdraw their claims against the tenants and will return the \$550.00 security deposit to the tenants.

I accepted the landlord's request and have recorded this Application as withdrawn. The landlords remain at liberty to reapply within two years of the tenancy ending.

In light of the above, and pursuant to the authority afforded me under the Act, I order the landlords to return the security deposit to the tenants without further delay. Provided to the tenants with this decision is a Monetary Order in the amount of \$550.00 to serve and enforce if necessary.

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 05, 2013

Residential Tenancy Branch

