



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, MNSD, O, FF

Introduction

This hearing was convened by conference call in response to an Application for Dispute Resolution (the “Application”) made by the Tenants for money owed or compensation for damage or loss under the *Residential Tenancy Act* (the “Act”), regulation or tenancy agreement; for the return of the security and pet damage deposit; to recover the filing fee and for ‘Other’ issues of which none were identified during the hearing.

The Tenants appeared for the hearing and provided written evidence in the form of three copies of the Canada Post registered mail tracking receipts and late evidence. There was no appearance by the Landlords for the duration of the hearing.

At the start of the hearing the Tenants decided to withdraw their Application to reconsider their monetary claim. As there were no further findings for me to make in this matter, I dismissed the Tenant's Application **with** leave to re-apply.

The Tenants remained on the line at which point I provided further information about their rights and obligations under the Act.

The parties are cautioned about the service methods detailed in Section 89 of the Act and in particular the provision of Section 90 of the Act, which explains that documents served in a particular way, can be deemed to have been received after a certain amount of time.

In relation to the service of documents by registered mail, a party cannot avoid service by failing or neglecting to pick up mail or use this as grounds for a review application. If a party can prove that documents were served to an address where the Landlord could have received them, then the deeming provisions of Section 90 of the Act may be applied when considering service of documents and moving forward with proceedings in the absence of a party.

Conclusion

For the above reasons, I dismiss the Tenants' Application **with** leave to re-apply.

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: July 18, 2014

Residential Tenancy Branch

