



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BC Housing Mangement Commission
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MND, FF

Introduction

This was the hearing of an application by the landlord for a monetary award for the cost of repairs to the rental unit after the tenancy ended in September, 2014.

The tenant did not attend the hearing. The application and Notice of Hearing were sent to the tenant by registered mail on May 1, 2015. According to Canada Post records submitted by the landlord, on May 6, 2015 the tenant refused to accept the registered mail and it was returned to the landlord. The landlord's agent spoke to the tenant. The tenant said she would pick up the documents from the landlord's representative at the rental property. He was given copies of the hearing documents. He spoke to the tenant by telephone on two occasions. The tenant said she would attend to pick up the documents but never did so. Refusal to accept registered mail is not a valid ground for failure to attend a hearing. Pursuant to section 90 of the *Residential Tenancy Act*, the tenant is deemed to have received the registered mail on the 5th day after it was mailed.

Pursuant to the landlord's undisputed evidence I grant the landlord's claim in the amount of \$1,384.69 for the cost to repair and replace broken doors and repair damaged siding. The landlord is entitled to recover the \$50.00 filing fee for this application for a total award of \$1,434.69 and I grant the landlord an order under section 69 in the said amount. This order may be registered in the Small Claims Court and enforced as an order of that court

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: October 06, 2015

Residential Tenancy Branch

