



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR OPR MNR MNSD FF

### Introduction

This hearing convened pursuant to applications by the tenant and the landlord. The tenant applied to cancel a notice to end tenancy. The landlord applied for an order of possession and monetary compensation. The tenant and the landlord called in to the teleconference hearing.

### Preliminary Issues

The tenant stated that she moved out of the rental unit on January 1, 2016. I therefore dismissed the tenant's application and the portion of the landlord's application regarding an order of possession.

The tenant stated that she did not receive the landlord's application or any notices from Canada Post to pick up a registered mail package. The tenant further stated that she had resided in the lower portion of the landlord's house, and she regularly did not receive mail during her tenancy. The landlord stated that the Canada Post website showed that two notices for pickup were left for the tenant.

I explained to the parties that when a document is sent by registered mail it is deemed served after five days; however, deemed service is a rebuttable presumption. In this case, I was satisfied that the tenant provided sufficient evidence to rebut the presumption of deemed service and I dismissed the monetary portion of the landlord's application with leave to reapply.

### Conclusion

The tenant's application and the portion of the landlord's application regarding an order of possession are dismissed.

The monetary portion of the landlord's application is dismissed with leave to reapply.

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: January 6, 2016

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Residential Tenancy Branch

