



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC

Introduction

This hearing was convened by way of conference call in response to the Tenant's Application for Dispute Resolution (the "Application") for money owed or compensation for damage or loss under the *Residential Tenancy Act* (the "Act"), regulation or tenancy agreement.

The Tenant appeared for the hearing and provided affirmed testimony. However, there was no appearance for the Landlord for the 30 minute hearing or any submission of evidence prior to the hearing.

The Tenant explained that she had served the Landlord with a copy of the Application and notice of this hearing by registered mail to the Landlord but this had been refused by the Landlord as evidence by the Canada Post tracking report.

It should be noted that a party may not refuse or neglect to pick up mail as a means to avoid service and service can be deemed to have taken place under the deeming provisions of Section 90 of the Act.

However, before I heard any evidence from the Tenant regarding her monetary claim, the Tenant withdrew the Application to reconsider the claim and gather further evidence to support and verify the claim amount she was seeking.

The Tenant was also cautioned about making claims for items that have been previously determined through dispute resolution which are final and legally binding.

Analysis & Conclusion

As there was no appearance by the Landlord, I allowed the Tenant to withdraw the Application and I provide the Tenant with leave to re-apply for her monetary claim which was not heard in this hearing.

The Tenant must file and then serve a separate Application to the Landlord, as well as re-serving any evidence the Tenant intends to rely on.

This Decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: August 29, 2017

Residential Tenancy Branch