



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNDC

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- a monetary order for compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67.

The tenant attended the hearing via conference call and provided affirmed testimony. The landlord did not attend or submit any documentary evidence. The tenant stated that the landlord was served with the notice of hearing package via Canada Post Registered Mail on December 7, 2017. The tenant provided a copy of the Customer Receipt Tracking label and an online printout of service. A review of the online printout shows that:

December 7, 2017 Item received at Post Office  
December 8, 2017 Item out for delivery  
December 8, 2017 Recipient not located at address provided. Item being returned to sender  
December 11, 2017 Customer addressing error found; attempting to correct.  
Possible delay.  
December 12, 2017 The item being returned to the sender went out for delivery  
December 12, 2017 Return to sender attempted.  
December 13, 2017 Return to sender attempted.  
December 14, 2017 The item was successfully returned to the sender.

The tenant provided affirmed testimony that the provided address was correct and that the landlord was "refusing" service by indicating that the landlord had moved. The tenant was given numerous opportunities to provide any supporting evidence of service evasion. No evidence was provided.

On the basis of this evidence, I am not satisfied that the landlord was deemed served with the dispute resolution package pursuant to sections 90 of the Act. The tenant has failed to provide sufficient evidence to satisfy me of the Canada Post online tracking which shows that "Recipient not located at address provided...Customer Addressing error found". The tenant's application is dismissed with leave to reapply for lack of service. Leave to reapply is not an extension of any applicable limitation period.

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, 2018

---

Residential Tenancy Branch