



Dispute Resolution Services

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Residential Tenancy Branch Office of Housing and Construction Standards

A matter regarding METRO VANCOUVER HOUSING CORPORATION
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC, FF

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

- an order of possession for cause pursuant to section 55;
- authorization to recover its filing fee for this application from the tenant pursuant to section 72.

Both parties attended the hearing via conference call and provided affirmed testimony. The landlord's agent (the landlord) stated that the tenant was served with the notice of hearing package and the submitted documentary evidence via Canada Post Registered Mail on August 30, 2018 which was later returned by Canada Post as "unclaimed". The landlord also served the tenant a second time in person on September 19, 2018, 2 days before the scheduled hearing. The tenant confirmed that no Canada Post Package was received and that she did receive the entire package on September 19, 2018 as claimed by the landlord. The landlord submitted a copy of the Canada Post Customer Receipt with the attached tracking number as confirmation of service via Canada Post.

I accept the undisputed affirmed testimony of both parties and find that the tenant was properly served via Canada Post Registered Mail on August 30, 2018 as shown by the submitted proof of service receipt. Although the package was "unclaimed" by the tenant, the tenant is deemed sufficiently served as per section 90 of the Act.

During the hearing extensive discussions took place in which the landlord cancelled the 1 month notice dated August 14, 2018 and as such has withdrawn the landlord's application. Both parties confirmed their understanding that the landlord no longer wishes to proceed at this time. As such, no further action is required.

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: September 21, 2018

Residential Tenancy Branch