



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes**      **MNDCT, RPP, MNSD, FFT**

### **Introduction**

On September 23, 2020, a decision was issued in response to the tenant's application requesting monetary compensation from the landlord, return of the security deposit, return of personal property, and recover the filing fee.

On September 25, 2020, the landlord made an application for review consideration, which was granted on the basis that they were unable to attend at the original hearing because of circumstances that could not be anticipated and were beyond their control. The Arbitrator ordered the parties to participate in a new hearing, and the original decision and order were suspended..

Only the landlord appeared at the new hearing. The landlord testified that they complied with the service provisions in the Review Application Decision and they served the tenant by registered mail sent on October 13, 2020. The landlord stated that the Canada post history shows that the tenant was left two notification cards to pickup the package; however, it was returned unclaimed. Filed in evidence is a copy of the Canada post tracking history, which support the landlord's testimony.

In this case, I am satisfied that the tenant was deemed served in accordance with the Act, by registered mail on October 18, 2020. Refusal or neglect to pickup the package does not override the deemed service provision of the Act.

I am also satisfied the tenant and their advocate were provided a curtesy copy of the Review Application Decision by email from the Residential Tenancy Branch sent on September 29, 2020.

This matter was set for hearing by telephone conference call at 11:00 A.M on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the landlord. Therefore, as the tenant did not attend the hearing by 11:10 A.M, to provide any testimony in

support of their application and the landlord appeared and was ready to proceed, I find I must dismiss the tenant's application without leave to reapply.

Therefore, I order that the original decision and order made September 23, 2020 are set aside and have no force or effect.

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: December 08, 2020

---

Residential Tenancy Branch