

## **DECISION**

Dispute Codes      MNR, FF

### Introduction

This matter dealt with an application by the Landlords for a monetary order for unpaid rent and to recover the filing fee for this proceeding.

The Landlords said they served the Tenants with their application and Notice of Hearing by registered mail to the rental unit address on January 26, 2010. The Landlords claim that the Tenants did not pick up the mail and that it was returned to the Landlords. The Landlords said they posted the returned mail on the Tenants' door. I find that the Tenants were served as required by s. 89 of the Act when the Landlords sent the hearing package by registered mail (even if the Tenants did not pick it up) and as a result, the hearing proceeded in the Tenants' absence.

### Issues(s) to be Decided

1. Are there arrears of rent and if so, how much?

### Background and Evidence

This tenancy started on March 6, 2008 and ended on March 14, 2010 when the Landlords enforced a Writ of Possession. Rent was \$1,000.00 per month payable in advance on the 15<sup>th</sup> day of each month.

In a previous hearing held on January 18, 2010, the Landlords were granted an Order of Possession and a finding was made that the Tenants had unpaid rent of \$5,000.00. However, as the Landlords had applied to recover rent arrears of only \$3,000.00, they were granted a monetary order for that amount and had to re-apply for the balance of the rent arrears owing at that time. Consequently, in this matter, the Landlords applied to recover rent arrears for the period, November 16 – December 15, 2009 and for December 16, 2009 to January 15, 2010.

### Analysis

Given the findings in the previous decision issued on January 18, 2010 and the undisputed evidence of the Landlords in this hearing, I find that there are rent arrears as alleged and I award the Landlords the amount of \$2,000.00 for the period November 16, 2009 to January 15, 2010. Although the Landlords' application indicated that rent arrears for this period were \$1,500.00, I find that that was an inadvertent error of which the Tenants would have been aware. As the Landlords have been successful in this

matter, I also find that they are entitled to recover the \$50.00 filing fee for this proceeding.

### Conclusion

A monetary order in the amount of **\$2,050.00** has been issued to the Landlords and a copy of it must be served on the Tenants. If the amount is not paid by the Tenants, the Order may be filed in the Provincial (Small Claims) Court of British Columbia and enforced as an Order of that Court.

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: April 27, 2010.

---

Dispute Resolution Officer