



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## DECISION

Dispute Codes      MNR, FF

### Introduction

This hearing dealt with the landlords' Application for Dispute Resolution seeking a monetary order.

The hearing was conducted via teleconference and was attended by one of the landlords, the tenants did not attend.

The landlords provided documentation that the notice of this hearing documents were sent via registered mail by the landlords to the tenants; to the forwarding address provided by the tenants. The landlord also provided confirmation that the registered mail was returned as no such address.

The landlord testified in the hearing that after the registered mail had been returned the male landlord served the both tenants individually and in person at the local grocery store. I am satisfied the tenants were served sufficiently in accordance with Section 71 of the *Residential Tenancy Act (Act)*.

### Issues(s) to be Decided

The issues to be decided are whether the landlord is entitled to a monetary order for unpaid rent and to recover the filing fee from the tenants for the cost of the Application for Dispute Resolution, pursuant to sections 67, and 72 of the *Act*.

### Background and Evidence

The tenancy began in February 2009 as a month to month tenancy with a monthly rent amount of \$750.00 due on the 1<sup>st</sup> of the month, no security deposit was collected.

The landlord testified that the tenants failed to pay rent for February, March and April 2010 and that after rent had not been paid in March 2010 the landlord issued a 10 day notice to end the tenancy for unpaid rent. The tenants asked if they could stay until the end of April, 2010. The landlords agreed with the understanding that the tenants still intended to pay the rental arrears and April 2010 rent.

The landlord submitted a copy of a letter signed by the parties on April 5, 2010 confirming the amount owed in rent as \$2,250.00 and providing the landlord with the forwarding address used for service of the notice of this hearing documents.

The landlord acknowledges the tenants made a payment of \$250.00 on April 21, 2010 and another payment of \$200.00 on or near May 12, 2010, leaving a balance owing of \$1,800.00.

### Analysis

Section 26 requires that rent must be paid when it is due under the tenancy agreement. In the absence of contrary evidence or testimony from the tenants, I find the tenants have failed to pay the full rent for the months of February, March, and April 2010.

I accept the landlord's testimony that the tenants made two payments totally \$450.00 leaving a balance of \$1,800.00 outstanding.

### Conclusion

I find that the landlord is entitled to monetary compensation pursuant to Section 67 and grant a monetary order in the amount of **\$1,850.00** comprised of \$1,800.00 rent owed and the \$50.00 fee paid by the landlord for this application. This order must be served on the tenants and may be filed in the Provincial Court (Small Claims) 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: September 20, 2010.

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Dispute Resolution Officer