



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: MNR, FF

### Introduction

This hearing concerns an application by the landlords for a monetary order as compensation for unpaid rent / and recovery of the filing fee. Landlord "BG" participated in the hearing and gave affirmed testimony. Despite service of the application for dispute resolution and notice of hearing by way of registered mail, the tenant did not appear. Evidence submitted by the landlord includes the Canada Post tracking number for the registered mail, and the Canada Post website informs that the package was "successfully delivered."

Subsequent to the above, on May 29, 2012 the landlord sent a package of documentary evidence to the tenant by way of registered mail. Evidence submitted by the landlord includes the Canada Post tracking number for the registered mail.

### Issue(s) to be Decided

Whether the landlords are entitled to the above under the Act, Regulation or tenancy agreement.

### Background and Evidence

Pursuant to a written tenancy agreement, a copy of which is not in evidence, the tenancy began more than ten (10) years ago. Monthly rent of \$1,350.00 was due and payable in advance on the first day of each month. During the hearing, the landlord was unable to confirm with certainty the particulars related to the collection of a security deposit.

The landlords issued a 10 day notice to end tenancy for unpaid rent dated June 9, 2010. The notice was served by registered mail. Copies of e-mail exchanges between the parties serve to confirm the tenant's receipt of the 10 day notice. A copy of the notice was submitted in evidence. Subsequently, the tenant did not pay the full amount of rent outstanding or file an application to dispute the notice. Ultimately, the tenant vacated the unit sometime during June 2010.

### Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent dated June 9, 2010. The tenant did not pay the full amount of rent outstanding within 5 days of receiving the notice, and neither did the tenant file an application to dispute the notice within 5 days of receiving it. Thereafter, the tenant vacated the unit in June 2010.

Following from the above, I find that the landlord has established entitlement to a claim of \$23,750.00, which is comprised of \$23,650.00 in unpaid rent, in addition to the \$100.00 filing fee.

### Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlords in the amount of **\$23,750.00**. Should it be necessary, this order may be served on the tenant, filed in the Small Claims Court, 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: June 07, 2012.

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Residential Tenancy Branch