



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNR, MNSD, MNDC, FF and SS

Introduction

This hearing was convened on an application by the landlord seeking a monetary award for unpaid rent and landlord property removed by the tenant at the end of the tenancy. The landlord also sought an order authorizing substitute service as she had been unable to find the tenant's address.

The landlord and her domestic partner gave evidence that they had been able to serve the tenant with the Notice of Hearing in person on or about October 12, 2012.

Despite having been so served, the tenant did not call in to the number provided to enable his participation in the telephone conference call hearing. Therefore, it proceeded in his absence.

Issue(s) to be Decided

Is the landlord entitled to an order authorizing substitute service?

Is the landlord entitled to a monetary award for unpaid rent and the landlord's property claimed to have been removed from the rental unit at the end of the tenancy?

Background and Evidence

According to the landlord this tenancy began on or about April 1, 2012 and ended on or about July 31, 2012 pursuant to a Notice to End Tenancy for unpaid rent.

Rent was \$850 per month and the landlord held a security deposit of \$425 which she stated she had returned to the tenant.

As a matter of note, the matter was originally set for hearing on October 10, 2012 but was dismissed with leave to reapply resulting in the present application.

With respect to the request for substitute service, the landlord's partner gave evidence that he had attempted once to serve the tenant at his place of employment, but was escorted from the premise by police.

The landlord stated that she has personal knowledge that the tenant visits frequently with his grandmother and requests authorization to serve him at her address. As authorized under section 71 of the Act, I hereby order that the landlord may serve the tenant at his grandmother's address.

During the hearing, the landlord gave evidence that the tenant had never paid the rent for July 31, 2012 which was the cause for the Notice to End Tenancy.

She gave further evidence that she had seen the tenant removing a television set, a television stand and a Playstation 3 when he moved out of the rental unit. Her partner gave evidence that he had seen these items in the rental unit during the tenancy and noted them missing after it had ended. However, although she said she had receipts in hand, the landlord has provided no documentary evidence to substantiate the existence or value of the items.

Analysis

I accept the evidence of the landlord that the tenant owes rent for July of 2012 and award \$850 on that claim.

However, I make no award on the claim for the missing items because of the lack of evidence.

For the same reason, I decline to order that the landlord recover the \$50 filing fee for this proceeding.

Conclusion

The landlord is authorized to serve the tenant by way of substitute service at his grandmother's home address.

The landlord's copy of this decision is accompanied by a Monetary Order, enforceable through the Provincial Court of British Columbia for \$850 for service on the tenant.

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: January 07, 2013.

Residential Tenancy Branch



Residential Tenancy Branch

RTB-136

Now that you have your decision...

All decisions are binding and both landlord and tenant are required to comply.

The RTB website (www.rto.gov.bc.ca) has information about:

- How and when to enforce an order of possession:
Fact Sheet RTB-103: *Landlord: Enforcing an Order of Possession*
- How and when to enforce a monetary order:
Fact Sheet RTB-108: *Enforcing a Monetary Order*
- How and when to have a decision or order corrected:
Fact Sheet RTB-111: *Correction of a Decision or Order*
- How and when to have a decision or order clarified:
Fact Sheet RTB-141: *Clarification of a Decision or Order*
- How and when to apply for the review of a decision:
Fact Sheet RTB-100: *Review Consideration of a Decision or Order*
(Please Note: Legislated deadlines apply)

To personally speak with Residential Tenancy Branch (RTB) staff or listen to our 24 Hour Recorded Information Line, please call:

- Toll-free: 1-800-665-8779
- Lower Mainland: 604-660-1020
- Victoria: 250-387-1602

Contact any Service BC Centre or visit the RTB office nearest you. For current information on locations and office hours, visit the RTB web site at www.rto.gov.bc.ca