



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR, MNR, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested an Order of Possession for Unpaid Rent, a monetary Order for unpaid rent, and to recover the filing fee from the tenants for the cost of this Application for Dispute Resolution.

The landlord provided affirmed testimony that on March 20, 2013 copies of the Application for Dispute Resolution and Notice of Hearing were sent to the tenants via registered mail at the rental unit address noted on the Application. A Canada Post tracking number was provided as evidence of service. The landlord placed both notices of hearing and the evidence in a single envelope.

During the hearing the landlord checked the Canada Post delivery record he had saved on his computer. The record showed that on March 21, 2013 the male tenant signed, accepting the registered mail.

These documents are deemed to have been served to the male tenant only, in accordance with section 89 of the Act; however the tenant did not appear at the hearing.

As the female tenant was not given the Notice of Hearing package in a separate registered mail package I am unable to find that she was served with Notice of this hearing. The landlord did not dispute the removal of the female tenant's name from any monetary Order that may be issued.

Preliminary Matters

The landlord confirmed that he has possession of the unit and does not require an Order of possession.

Issue(s) to be Decided

Is the landlord entitled to a monetary Order for unpaid rent?

Is the landlord entitled to filing fee costs?

Background and Evidence

The tenancy agreement supplied as evidence indicated that the 1 year fixed-term tenancy commenced on July 1, 2012. Rent was \$2,300.00 per month, due on the 1st day of each month. A deposit in the sum of \$1,150.00 was paid.

The landlord stated that a Ten Day Notice to End Tenancy for Unpaid Rent was given to the tenants and that they vacated the unit on the effective date of the Notice; March 22, 2013. A copy of the Notice ending tenancy was supplied as evidence.

The tenants paid \$800.00 in February and did not pay March 2013 rent. The landlord has claimed compensation in the sum of \$3,800.00.

Analysis

Section 46 of the Act stipulates that a tenant has five (5) days from the date of receiving the Notice to End Tenancy to either pay the outstanding rent or to file an Application for Dispute Resolution to dispute the Notice. The tenants did not pay the rent that was owed and vacated the unit on the effective date of the Notice, March 20, 2013.

In the absence of evidence to the contrary, I find that the tenant has not paid rent in the amount of \$3,800 for February and March 2013 and that the landlord is entitled to compensation in that amount.

I find that the landlord's application has merit and that the landlord is entitled to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

Based on these determinations I grant the landlord a monetary Order in the sum of \$3,850.00. In the event that the tenant does not comply with this Order, it may be served on the tenant, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

Conclusion

The landlord has been granted a monetary Order for unpaid rent and filing fee costs.

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 17, 2013

Residential Tenancy Branch