



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNR, FF

### Introduction

This was a hearing with respect to the landlord's application for a monetary order. The hearing was conducted by conference call. The landlord's agent called in and participated in the hearing. Also present was an assistant who helped the agent because her English was poor. The respondents did not attend the hearing. The landlord served the respondent by registered mail sent to their residence on March 8, 2013, but the respondents did not pick up the mail and it was returned to the landlord. On March 15, 2013, the landlord, accompanied by the agent, personally served the female tenant with the application and Notice of hearing. Pursuant to the section 90 of the *Residential Tenancy Act* the tenants are deemed to have received the registered mail on the 5<sup>th</sup> day after it was mailed; their failure or refusal to pick up registered mail does not constitute a valid answer to the deeming provisions of section 90 and I find that both respondents have been properly served with the Application and Notice of Hearing.

### Issue(s) to be Decided

Is the landlord entitled to a monetary award and if so, in what amount?

### Background and Evidence

The tenancy ended in September, 2012 pursuant to an agreement signed by the respondent, Mr. I. S. and the landlord. In the agreement Mr. I.S. acknowledged that he was indebted to the landlord in the amount of \$3,550.00 for rental arrears. Mr. I.S. promised to pay the arrears by instalments, but according to the landlord no payments have been made since the tenancy ended.

### Analysis

The tenant, Mr. I.S signed an acknowledgement of his indebtedness to the landlord in the amount of \$3,550.00. The landlord's uncontradicted evidence is that no payments have been made since the agreement was signed. I find that the landlord is entitled to a monetary award in the amount claimed, but only as against the tenant, I.S. The landlord has not established that Mrs. A.S. is indebted to the landlord and the claim against her is dismissed.

### Conclusion

The landlord is entitled a monetary award in the amount claimed and to recover the \$50.00 filing fee for this application for a total award of \$3,600.00 and I grant the landlord an order under section 67 against the respondent, I.S. in the said amount. This order may be 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: May 02, 2013

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Residential Tenancy Branch

