



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, FF

Introduction

A hearing was conducted by conference call in the presence of a representative of the applicant and in the absence of the respondent although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

The Residential Tenancy Act permits a party to serve another by mailing, by registered mail to where the other party resides. The Act provides that it is deemed received 5 days after mailing. The landlord testified that the Application for Dispute Resolution/Notice of Hearing was mailed by registered mail to each of the respondents on June 28, 2013. She further testified the package was returned with a notation on each of the packages "refused." The Supreme Court of British Columbia has held that a party cannot avoid service by refusing to pick up their registered mail. I determined there was sufficient service of the Application for Dispute Resolution/Notice of Hearing. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the landlord is entitled to a monetary order and if so how much?
- b. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

The parties entered into a written tenancy agreement that provided that the tenancy would start on July 1, 2010. The tenancy agreement provided that the tenant(s) would

pay rent of \$950 per month payable on the first day of each month. The tenants paid a security deposit of \$475 at the start of the tenancy.

The tenancy ended on August 31, 2011. At that time the tenant agreed to charges of \$95 for carpet cleaning, \$36 for cleaning and \$950 for non-payment of rent for a total of \$1081. They agreed the landlord could retain the security deposit of \$475 leaving a balance owing of \$606. The tenant provided the landlord with a cheque in the sum of \$606. However, that cheque was returned NSF.

Monetary Order and Cost of Filing fee

I determined the landlord is entitled to a monetary order in the sum of \$606 plus \$25 for a NSF charge for a total of \$631. I ordered that the tenants pay to the landlord the sum of \$631 plus \$50 for the cost of the filing fee for a total of \$681.

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial 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: August 08, 2013

Residential Tenancy Branch