



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MND, MNR, FF

### Introduction

This hearing dealt with the landlords' Application for Dispute Resolution seeking an order of possession and a monetary order.

The hearing was conducted via teleconference and was attended by the landlords.

The landlord testified the tenant was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* by registered mail on September 12, 2014 in accordance with Section 89. As per Section 90, the documents are deemed received by the tenant on the 5<sup>th</sup> day after it was mailed.

Based on the testimony of the landlord, I find that the tenant has been sufficiently served with the documents pursuant to the *Act*.

Canada Post tracking information confirms that Canada Post attempted delivery of the package on September 15, 2014 and that a notice card was left that date to advise the tenant could pick up the registered mail. The tracking information also confirms Canada Post gave a second and final notice on September 22, 2014 that the registered mail was available for pick up.

As of October 9, 2014 Canada Post tracking information confirms that the tenant still did not pick up the registered mail and it was returned to the landlords. Based on this information, I find that the tenant was provided with 3 opportunities to retrieve the registered mail and did not. I find this to be a deliberate effort on the part of the tenant to avoid service and pursuant to Section 71 of the *Act* I find the tenant was sufficiently served with Notice of this hearing.

The landlords submit that the tenant vacated the rental unit by October 15, 2014 and as such they are no longer in need of an order of possession. I amend the landlords' Application to exclude the matter of possession.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to a monetary order for unpaid rent; for damage to the rental unit and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 67, and 72 of the *Act*.

Background and Evidence

The landlords testified the tenancy began on February 26, 2014 as a month to month tenancy for the monthly rent of \$1,850.00 due on the 1<sup>st</sup> of each month with a security deposit of \$925.00 paid.

The landlords submit the tenant failed to pay any rent for the months of September or October 2014.

Analysis

Based on the undisputed testimony of the landlords I find the tenant has failed to pay rent in accordance with the tenancy agreement when it was due for the months of September and October 2014 in the amount of \$3,700.00.

Conclusion

I find the landlords are entitled to monetary compensation pursuant to Section 67 and I grant a monetary order in the amount of **\$3,750.00** comprised of \$3,700.00 rent owed and the \$50.00 fee paid by the landlords for this application.

This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order in the Provincial Court (Small Claims) and be 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: October 31, 2014

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Residential Tenancy Branch

