



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MNSD, MNDC, FF

Introduction

The landlords' apply for a monetary award for outstanding rent and loss of rental income.

Neither tenant attended for the hearing.

Ms. A. testified that the tenants were served by registered mail sent December 23, 2014 to the address the tenants provided verbally as a forwarding address at their previous dispute resolution hearing, the file number of which is noted on the cover page of this decision. It appears to be the address noted by the arbitrator in that last hearing as the tenant's forwarding address.

The Canada Post records for both registered mail packages indicate that cards were left indicating where the tenants could claim their mail but that the items were eventually returned to the landlords on the basis that the "recipient not located at address provided."

Section 89(1)(d) of the *Residential Tenancy Act* (the "Act") provides:

89 (1) An application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 5, when required to be given to one party by another, must be given in one of the following ways:

(d) if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;

Section 90(a) of the *Act* provides:

90 A document given or served in accordance with section 88 [*how to give or serve documents generally*] or 89 [*special rules for certain documents*] is deemed to be received as follows:

(a) if given or served by mail, on the 5th day after it is mailed;

I find that the tenants were duly served by registered mail sent to the forwarding address provided by them and that they were deemed to have received that mail on December 28, 2014.

On the undisputed evidence of the landlords I grant them a monetary award in the amount of \$4750.00, as claimed, plus recovery of the \$50.00 filing fee. I authorize them to retain the \$550.00 security deposit in reduction of the amount awarded. There will be a monetary order against the tenants jointly and severally for the remainder of \$4250.00.

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: March 10, 2015

Residential Tenancy Branch

