



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, FF

Introduction

This hearing dealt with the tenant's Application for Dispute Resolution seeking to cancel a notice to end tenancy.

The hearing was conducted via teleconference and was attended by the landlord and his legal counsel.

The landlord provided documentary evidence to confirm that each 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 January 7, 2015 in accordance with Section 89. Section 90 of the *Act* deems documents served in such a manner to be received on the 5th day after they have been mailed.

The landlord also submitted documentary evidence to confirm that the female tenant, on January 15, 2015, refused to accept the registered mail and that delivery of the package sent to the male tenant was attempted on January 14, 2015 but the package remained unclaimed and was returned to the landlord.

Based on the documentary evidence of the landlord, I find that both tenants have taken deliberate actions to attempt to avoid service of these documents. I find that the landlord complied with all of the requirements for service and despite the tenant's deliberate actions to avoid service I find that each of the tenants has been sufficiently served with the documents pursuant to Section 71(2)(b) of the *Act*.

Issue(s) to be Decided

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

Background and Evidence

The landlord has submitted the tenancy began in 1980 as a month to month tenancy for a monthly rent of \$1,100.00 due on the 1st of each month. The landlord testified the tenancy ended at or near August 31, 2014.

The landlord has submitted into evidence a ledger confirming 22 missed rental payments from the period September 2011 to the end of the tenancy. In addition the landlord has provided bank statements indicating no deposits made for relevant periods and dishonoured cheques. The landlord has also submitted into evidence a notarized affidavit relaying the details of this claim.

Analysis

Based on the landlord's undisputed testimony and evidence I find the landlord has established the tenants have failed to pay rent for the 22 month's claim. I am therefore satisfied the landlord has provided sufficient evidence to establish his claim in full.

Conclusion

I find the landlord is entitled to monetary compensation pursuant to Section 67 and I grant a monetary order in the amount of **\$24,300.00** comprised of \$24,200.00 rent owed and the \$100.00 fee paid by the landlord for this application.

This order must be served on the tenants. If the tenants fail 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: April 29, 2015

Residential Tenancy Branch

