



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNR, MNSD, OPR

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 applicant produced evidence from a skip tracing company as to the residence of the respondent. The applicant mailed the documents by registered mail to that residence. The Residential Tenancy Act provides that a party can serve another by mailing by registered mail to where the other party resides. The Supreme Court of British Columbia has held that a party cannot avoid service by refusing to claim their registered mail. I find that the Application for Dispute Resolution/Notice of Hearing sufficiently served on the respondent by mailing, by registered mail to the where the respondent resides on February 20, 2015. 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 retain all or a portion of the security deposit/pet deposit?
- c. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

The parties entered into a one year fixed term written tenancy agreement that provided that the tenancy would start on January 2, 2014 and end one year later. The rent is \$1450 per month payable in advance on the first day of each month. The tenant(s) paid a security deposit of \$725 at the start of the tenancy. The tenant vacated the rental unit on October 31, 2014. The

tenant failed to pay the rent for August and October 2014 and the sum of \$2900 remains outstanding.

Analysis - Monetary Order and Cost of Filing fee

I determined the tenant has failed to pay the rent for the month(s) of August and October 2014 and the sum of \$2900 remains outstanding.

I dismissed the landlord's claim for the cost of a skip tracing firm. The cost of a skip tracer is a claim for cost in pursuing litigation. The only jurisdiction an arbitrator has in awarding costs is the costs of the filing fee.

I granted the landlord a monetary order in the sum of \$2900 plus the sum of \$50 in respect of the filing fee for a total of \$2950.

Security Deposit

I determined the security deposit plus interest totals the sum of \$725. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$2225.

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: May 12, 2015

Residential Tenancy Branch

