



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, OPC, 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 one of the landlords only.

The landlords provided documentary evidence to confirm 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 April 17, 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 has confirmed with Canada Post that the tenants' mail is being redirected to them. The landlord has provided tracking information regarding the service of hearing documents to each tenant. The tracking information shows that despite being left notices that registered mail was being sent to them the tenants chose to not claim the registered mail. I find the tenants are deliberately attempting to avoid service of these documents.

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

At the outset of the hearing the landlords confirmed the tenants vacated the rental unit on April 27, 2015. As such, I find the landlords no longer require an order of possession and I amend the landlords' Application for Dispute Resolution to exclude the matter of possession.

Issue(s) to be Decided

The issues to be decided are whether the landlords are 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 landlords testified the tenancy began as a month to month tenancy on August 29, 2015 for a monthly rent of \$1,500.00 due on the 1st of each month with a security deposit of \$750.00 paid.

The landlords submit the tenants failed to pay rent for the months of March and April 2015.

Analysis

Based on the undisputed testimony and evidence submitted by the landlords I find the tenants failed to pay rent as described above and the landlord is entitled to recover these amounts from the tenants.

Conclusion

I find the landlords are entitled to monetary compensation pursuant to Section 67 and I grant a monetary order in the amount of **\$3,050.00** comprised of \$3,000.00 rent owed and the \$50.00 fee paid by the landlords for this application.

This order must be served on the tenants. If the tenants fail to comply with this order the landlords 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: May 28, 2015

Residential Tenancy Branch

