



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNR, FF

Introduction

This hearing concerns the landlord's application for a monetary order as compensation for unpaid rent / and recovery of the filing fee. The landlord attended and gave affirmed testimony. Neither tenant appeared.

The landlord testified that the application for dispute resolution and notice of hearing were served on both tenants by registered mail. Evidence submitted includes the Canada Post tracking numbers for the registered mail. The Canada Post website informs that neither tenant claimed their package, and that both were returned to the landlord. The address used by the landlord for service is identical for both tenants. The landlord testified that she was orally informed of this address by a family member of the tenants', and that the same address was displayed by the tenants in an online social networking service and conveyed to the landlord by a member of her own family.

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenants have been duly served in accordance with sections 89 and 90 of the Act which speak, respectively, to **Special rules for certain documents** and **When documents are considered to have been received**.

Issue(s) to be Decided

Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement.

Background and Evidence

The unit which is the subject of this dispute is a detached house. The original landlords, a married couple, are now both deceased. There is no written tenancy agreement in evidence for the tenancy which began in the late 1990s. Over the years, monthly rent of \$650.00 was increased to \$674.00, and later to \$700.00. There is no evidence that either a security deposit or pet damage deposit was collected. The female landlord passed in 2002, and the male landlord turned over management of the tenancy to their

daughter, who is the landlord / applicant (the “landlord”) in this proceeding. The male landlord passed in November 2013, and the landlord is the Executor of his estate.

After assuming management of the tenancy, the landlord found that rent was “not paid consistently.” The landlord documented and communicated the status of rent to the male tenant by email. During several years the parties exchanged emails around the “ever-increasing debt.” Copies of emails in evidence span the period from October 2006 to October 2014. In his emails the tenant never disputes the amount of rent owed, and makes periodic and partial payments toward the debt. Eventually, in his emails the tenant refers to contact with a “debt counsellor” and states that he may consider filing for “bankruptcy.” Tenancy ended on March 31, 2013, at which time rent was still in arrears, and no initiative was undertaken by the tenant to resolve the matter directly with the landlord. The landlord filed her application with the Branch on January 21, 2015.

Analysis

Based on the affirmed / undisputed testimony of the landlord, in addition to the documentary evidence which includes, but is not limited to, emails exchanged between the parties and a detailed accounting of rent due and payments received from 2009 to 2013, I find that the landlord has established a claim of **\$14,340.00**. This reflects unpaid rent in the total amount of \$14,240.00, in addition to the \$100.00 filing fee.

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$14,340.00**. Should it be necessary, this order may be served on the tenants, filed in the Small Claims 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: June 16, 2015

Residential Tenancy Branch

