



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNDC, FF

Introduction

This hearing dealt with an application by the landlords for an order of possession and a monetary order. Despite having been served with the application for dispute resolution and notice of hearing via registered mail sent on June 22, the tenants did not participate in the conference call hearing. JN appeared at the hearing to represent both landlords. In this decision where I refer to the landlords in the singular form, it is JN to whom I refer.

At the hearing, the landlord advised that the tenants had vacated the rental unit in early July. As an order of possession is no longer required, I consider that claim to have been withdrawn.

Issue to be Decided

Are the landlords entitled to a monetary order as claimed?

Background and Evidence

The landlord's undisputed evidence is as follows. The tenants were obligated to pay \$1,900.00 per month in rent in advance on the first day of each month and failed to pay rent for the month of June 2015.

Analysis

I accept the landlord's undisputed testimony and I find that the tenants had a contractual obligation to pay \$1,900.00 per month in rent and failed to meet that obligation in the month of June. I find that the landlords are entitled to recover this rent and I award them \$1,900.00.

In their application for dispute resolution, the landlords identified that they were seeking an award for June's rent, but although their application makes a total claim of \$5,730.00, there are no other details provided indicating what that claim represents.

It is a fundamental principle of administrative fairness that respondents know the claim made against them. As June's rent is the only claim specifically identified in the landlords' claim, I find it is the only claim that may proceed against the tenants. The remainder of the landlords' claim is dismissed with leave to reapply with the exception of their claim for the cost of serving documents via registered letter as this expense is not recoverable under the Act.

The landlords paid a \$100.00 filing fee to bring their claim because it was over \$5,000.00 and seek to recover this fee. I find that as the landlords were only successful in proving an amount under \$5,000.00, which would have attracted a \$50.00 filing fee, this is the maximum amount the landlords can recover. I award them \$50.00.

I grant the landlords a monetary order under section 67 for \$1,950.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The landlords are awarded \$1,950.00. The remainder of their claim, with the exception of the claim for the cost of mailing documents, is dismissed with leave to reapply.

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: August 12, 2015

Residential Tenancy Branch

