



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR, MNDC, FF

### Introduction

This was a hearing with respect to the landlords' application for a monetary award. The hearing was conducted by conference call. The landlords called in and participated in the hearing. The tenants did not attend, although they were served with the application and Notice of Hearing by registered mail sent on February 4, 2015 to the forwarding address provided by the tenants. The documents sent to the tenants by registered mail were all returned to the landlord by Canada Post as unclaimed. Failure to pick up registered mail is not a valid reason for failing to attend a hearing. Pursuant to section 90 of the *Residential Tenancy Act*, the tenants are deemed to have received the registered mail on the 5<sup>th</sup> day after it was mailed.

### Issue(s) to be Decided

Are the landlords entitled to a monetary award and if so, in what amount?

### Background and Evidence

The rental unit is a residence in Maple Ridge. The tenancy began on September 15, 2014 for a one year fixed term. The monthly rent was \$2,700.00, payable on the 15<sup>th</sup> day of each month. The tenants' cheques in payment of rent, security deposit and pet deposit were returned due to insufficient funds. The landlords served the tenants with a 10 day Notice to End Tenancy for unpaid rent on November 2, 2014. The Notice claimed that the tenants failed to pay rent in the amount of \$5,400.00 that was due on September 15<sup>th</sup> and October 15<sup>th</sup>. The tenants moved out of the rental unit pursuant to the 10 day Notice to End Tenancy. They acknowledged that rent for September and October had not been paid.

The landlords succeeded in re-renting the unit commencing December 20, 2014. They claimed payment of rent for three months, from September 15, 2014 to December 15,

2104, plus a further \$348.40 for four days of rent to December 20<sup>th</sup>. The landlord claimed as well for unpaid utilities in the amount of \$421.88.

The landlords claimed as well for the \$100.00 filing fee for their application and for mailing costs in the amount of \$22.68

The landlords acknowledged receipt of installment payments given by the tenants after the application was filed. They received two payments of \$1,000.00 and one payment of \$2,900.00, for a total of \$4,900.00.

### Analysis

The landlords amended their application to reflect the payments received from the tenants. Their revised claim, including the \$100.00 filing fee for their application was for the sum of \$3,671.08. This is somewhat less than the actual total of the items claimed by the landlord, less payments received. I allow the landlord's claim in the amount stated, with one exception. The landlords are not entitled to recover mailing costs and I therefore reduce the claim by \$22.68 to the sum of \$3,648.40, inclusive of the filing fee

### Conclusion

The landlords' claim for a monetary award has been allowed and I grant the landlords an order under section 67 in the amount of \$3,646.40. This order may be registered 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: September 11, 2015

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Residential Tenancy Branch

