



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNR, FF

Introduction

This hearing was convened in response to an application by the landlord pursuant to the *Residential Tenancy Act* (the Act) for Orders as follows:

1. A Monetary Order for unpaid rent - Section 67;
2. An Order to recover the filing fee for this application - Section 72.

I accept the landlord's evidence that despite the tenant having been served with the application for dispute resolution and notice of hearing by *registered mail* in accordance with Section 89 of the Residential Tenancy Act (the Act) the tenant did not participate in the conference call hearing. The landlord provided proof of registered mail service and testified they sent the mail to the tenant's forwarding address provided by the tenant. the landlord claims the registered mail was returned as unclaimed. The landlord was given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the landlord entitled to the monetary amounts claimed?

Background and Evidence

The tenancy began January 01, 2015 and ended September 02, 2015. Rent in the amount of \$750.00 was payable in advance on the first day of each month. At the outset of the tenancy the landlord collected a security deposit from the tenant in the amount of \$375.00 which the landlord testified they retain in trust. The tenant failed to pay rent in the month(s) of April and May 2015 and on April 02 and May 30, 2015 respectively the landlord served the tenant with notices to end tenancy for non-payment of rent. The tenant further failed to pay all rent in the months to September 2015. The landlord claims unpaid rent in the amount of \$1825.00.

The landlord further claims registered mail costs, travel costs to the rental unit from their home and the costs associated with evicting the tenant pursuant to an earlier Order of

Possession, a writ of possession from the courts, and services of a bailiff. The landlord acknowledges they did not provide the evidence for the latter claims.

Analysis

Based on the landlord's evidence I accept the landlord's evidence the tenant has not paid the outstanding rent of **\$1825.00** and the landlord is entitled to this amount.

The landlord's claim for registered mail costs is a litigation cost which must be borne by all claimants, and is not a compensable claim. As a result, this portion of the landlord's claim is **dismissed**.

The balance of the landlord's monetary claims is not supported by sufficient evidence and is therefore **dismissed**, *with leave to reapply*.

The landlord is further entitled to recovery of the filing fee. The security deposit will be off-set from the award made herein.

Calculation for Monetary Order

Rental Arrears / unpaid rent	\$1825.00
Filing Fees for the cost of this application	50.00
<i>Less Security Deposit held</i>	<i>-375.00</i>
Monetary Award to landlord	\$1500.00

Conclusion

I Order that the landlord retain the security deposit of \$375.00 in partial satisfaction of the claim and I grant the landlord an Order under Section 67 of the Act for the balance due of **\$1500.00**. If necessary, this Order may be filed in the Small Claims Court and enforced as an Order of that Court.

This Decision is final and binding on both parties.

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: February 16, 2016

Residential Tenancy Branch

