



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MND, MNR, FF

Introduction

The landlord applies for an order of possession pursuant to a ten day Notice to End Tenancy for unpaid rent and for a monetary award for unpaid rent and for damage to a door and wall.

Neither tenant attended for the hearing. The landlord showed that each had been served with the application and notice of hearing by registered mail sent to the rental unit, where the tenants continue to reside. Canada Post records (tracking numbers recorded on cover page of this decision) show that the mail was sent May 19, 2016 but that the neither tenant has claimed their mail.

In these circumstances, by operation of s. 90 of the *Residential Tenancy Act*, (the "RTA") the tenants are deemed to have received the application and notice of hearing on May 24, 2016. I find that the tenants have been duly served with the application and notice of hearing.

On the landlord's undisputed evidence I find that the tenants were served with a ten day Notice to End Tenancy by posting to the door of the rental unit on May 6, 2016. They have not paid the landlord any rent money since. As a result, by operation of s. 46 of the *RTA* this tenancy ended on May 19, 2016 and the landlord is entitled to an order of possession.

I accept the landlord's testimony that the tenants paid only half the \$900.00 monthly rent for March, April and May 2016 and I award him \$1350.00. I decline to consider his claim for interest as that claim was not set out in the application served on the tenants.

The landlord withdraws his claim for damages for damage to a door and wall. He is free to re-apply in that regard at some future time.

The landlord is entitled to a monetary award totalling \$1350.00, plus recovery of the \$100.00 filing fee. By agreement at hearing, I authorize him to retain the \$450.00

security deposit he holds, in reduction of the amount awarded. He will have a monetary order against the tenants for the remainder of \$1000.00.

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 15, 2016

Residential Tenancy Branch