



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MNDC, MNR, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested compensation for unpaid rent and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

The landlord provided affirmed testimony that on April 21, 2016 copies of the Application for Dispute Resolution and Notice of Hearing and evidence were sent to the tenant by registered mail. A Canada Post tracking number was provided as evidence of service.

The landlord said that she spoke with a person identified as N., who was an owner of a unit in the building. The owner told the landlord that the tenant had given her a forwarding address so that the tenants' mail could be forwarded. The address was provided to the landlord. The landlord used the address and the registered mail as returned by Canada Post marked as unclaimed by the tenant.

Therefore, I find pursuant to section 71(2)(b) of the Act that these documents were sufficiently served on the deemed date of April 26, 2016. The mail was not marked as "unknown" by Canada Post.

The tenant did not appear at the hearing.

Issue(s) to be Decided

Is the landlord entitled to compensation in the sum of \$900.00 for unpaid April 2016 rent?

Background and Evidence

The tenancy commenced on October 1, 2015. Rent was \$900.00 due on the first day of each month. A security deposit in the sum of \$450.00 was paid.

The landlord went to the unit on April 1, 2016; it appeared the tenant had vacated the rental unit. On April 2, 2016 the landlord posted a 10 day Notice to end tenancy for unpaid rent. The Notice had an effective date of April 13, 2016. The tenant did not pay the rent owed for April 2016. The landlord took possession of the unit on April 13, 2016.

The tenant has not provided a written forwarding address.

Analysis

The tenant did not attend the hearing to oppose the claim. The tenant failed to claim the registered mail notifying the tenant of this hearing. A refusal to claim registered mail does not allow a party to avoid service.

In the absence of evidence to the contrary, I find that the tenant has not paid rent in the amount of \$900.00 for April 2016 and that the landlord is entitled to compensation in that sum.

As the landlord's application has merit I find, pursuant to section 72 of the Act that the landlord is entitled to recover the \$100.00 filing fee from the tenant for the cost of this Application for Dispute Resolution.

Pursuant to section 72 of the Act, I find that the landlord is entitled to retain the tenant's security deposit in the amount of \$450.00, in partial satisfaction of the monetary claim. The landlord indicated agreement to apply the deposit to the sum owed.

Based on these determinations I grant the landlord a monetary Order for the balance of \$550.00. In the event that the tenant does not comply with this Order, it may be served on the tenant, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

Conclusion

The landlord is entitled to compensation in the sum of \$900.00 for unpaid April 2016 rent.

The landlord may retain the security deposit.

The landlord is entitled to filing fee costs.

This decision is final and binding and 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: October 24, 2016

Residential Tenancy Branch

