



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD & FF

Introduction

The Application for Dispute Resolution filed by the landlord makes the following claims:

- a. An Order for Possession for non-payment of rent
- b. A monetary order in the sum of 1974.99 for unpaid rent
- c. An Order to retain the security deposit.
- d. An order to recover the cost of the filing fee

A hearing was conducted by conference call in the presence of a representative of the applicant and in the absence of the respondents although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the 10 day Notice to End Tenancy was served on the Tenants by posting on December 6, 2016. The Residential Tenancy Act permits a party to serve another by mailing, by registered mail to where the other party resides. The Supreme Court of British Columbia and the Policy Guideline provide that a party cannot avoid service by refusing to pick up their registered mail. Further I find that the Application for Dispute Resolution/Notice of Hearing was served on the Tenants by mailing, by registered mail to where the Tenants reside on December 23, 2016. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the landlord is entitled to an Order for Possession?
- b. Whether the landlord is entitled to A Monetary Order and if so how much?
- c. Whether the landlord is entitled to retain all or a portion of the security deposit/pet deposit?
- d. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

The parties entered into a fixed term written tenancy agreement that provided that the tenancy would start on August 1, 2014, end on January 31, 2015 and become month to month after that. The rent is \$650 per month payable in advance on the first day of each month. The tenants paid a security deposit of \$325 at the start of the tenancy.

The tenant(s) failed to pay the rent for the months of December 2016 (\$40 is owed), a \$25 late fee for December and January 2017 (\$45 is owed) and the sum of \$110 remains owing. The tenant(s) have remained in the rental unit.

Analysis - Order of Possession:

The representative of the landlord stated she wished to withdraw her application for an Order of Possession. As a result I dismissed this claim as withdrawn.

Analysis - Monetary Order and Cost of Filing fee:

I determined the tenant has failed to pay the rent for the month(s) of December 2016 (\$40 is owed), a \$25 late fee for December and January 2017 (\$45 is owed) and the sum of \$110 remains owing. I granted the landlord a monetary order in the sum of \$110 plus the sum of \$100 in respect of the filing fee for a total of \$210.

Security Deposit:

The landlord stated that as she has agreed to reinstate the tenancy she withdrew her application to retain the security deposit. As a result that claim is dismissed as withdrawn.

Conclusion:

I order that the Tenant(s) pay to the Landlord(s) the sum of \$210.

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial 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: January 23, 2017

Residential Tenancy Branch