



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPB, MNR

Introduction

The landlords apply for an order of possession pursuant to a mutual agreement to end the tenancy and for a monetary award for unpaid rent.

The tenant did not attend the hearing within fifteen minutes after its scheduled start time.

The landlord Ms. T. shows that the tenant was served with the application and hearing notice by registered mail to the rental unit, where the tenant continues to reside. Canada Post records for the mail (tracking number shown on cover page of this decision) show that the mail was sent March 24, 2016 and went “unclaimed by recipient.”

Service by registered mail is an authorized method of service under s. 89 of the *Residential Tenancy Act*. A party cannot avoid the process by failing to collect his mail. I find that the tenant has been duly served.

On the undisputed evidence, the tenant has signed an agreement that he would vacate the rental unit on September 10, 2016. He has failed to do so. I grant the landlords an order of possession.

Regarding rent, the landlords have filed an accounting of rent paid for the 28 months December 2014 to March 2017, indicating total arrears of \$12780.00. It is apparent from the landlords’ testimony that the accounting was made on the basis that the rent was \$1200.00 per month, when in fact the rent was \$1150.00 per month.

As a result, over the 28 month period the accounting covers, the landlords have over claimed by the amount of \$1400.00. Otherwise, I accept their evidence and I award them \$11,380.00 for unpaid rent during that period.

There is no evidence of any security deposit to offset against the award. There is no claim for recovery of any filing fee.

The landlords will have a monetary order in the amount of \$11,380.00 against the tenant.

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: April 27, 2017

Residential Tenancy Branch