



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes**

OPR; MNR; FF

### **Introduction**

This is the Landlords' Application for Dispute Resolution seeking an Order of Possession and a Monetary Order for unpaid rent; and to recover the cost of the filing fee from the Tenants.

The Landlords attended the Hearing and gave affirmed testimony. The Landlords testified that they mailed the Notice of Hearing documents, by registered mail, to the Tenants at the rental unit on October 6, 2017. The Landlords testified that the registered mail was returned to the Landlords, marked "refused".

I find that the Tenants were served with the Notice of Hearing documents. Service in this manner is deemed to be effective 5 days after mailing the documents. Despite being served, the Tenants did not attend the Hearing which remained open for 30 minutes.

The male Landlord testified that the Tenants moved out of the rental unit at some point in the middle of October, 2017, and therefore the Landlords no longer require an Order of Possession.

### **Issue(s) to be Decided**

Are the Landlords entitled to a monetary award for unpaid rent?

### **Background and Evidence**

The Landlords testified that the Tenants were often late paying rent and that they had not paid rent for September or October, 2017. Rent was \$1,150.00 per month, due of the first day of each month. The Landlords are holding a security deposit in the amount of \$575.00.

The Landlords testified that the Tenants had caused damage to the rental unit.

### **Analysis**

This was a difficult Hearing because of language issues. I found it difficult to understand the Landlords at times and had to repeat questions multiple times and confirm my understanding of what they were saying.

Based on the affirmed testimony of the Landlords, I find that they are entitled to a monetary award for unpaid rent for the months of September and October, 2017. The Landlords may set off the security deposit towards their monetary award. I find that the Landlords are entitled to recover the cost of the filing fee from the Tenants.

The Landlords are hereby provided with a Monetary Order, calculated as follows:

Unpaid rent for September and October, 2017	\$2,300.00
Recovery of filing fee	\$100.00
Less set off of security deposit	<u>&lt;\$575.00&gt;</u>
TOTAL	\$1,825.00

I explained to the Landlords that they were at liberty to make another Application for damages to the rental unit if they able to locate the Tenants. I also explained that they would have to serve the Tenants with the enclosed Monetary Order. I encouraged them to speak to an Information Officer at the Residential Tenancy Branch, using the 1-800 toll free number printed on the bottom of their Application for Dispute Resolution, if they have any questions after receiving my Decision.

### **Conclusion**

The Landlords are hereby provided with a Monetary Order in the amount of **\$1,825.00** for service upon the Tenants. This Order is enforceable through the Provincial Court (Small Claims).

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: December 14, 2017

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Residential Tenancy Branch