



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, 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 \$1200.00 unpaid January 2018 rent.

The tenant did not attend the hearing within twenty minutes after its scheduled start time. The landlord shows that the tenant was served with the Notice of Hearing by registered mail sent February 1, 2018 to the tenant at the rental unit while he resided there. The mail (tracking number shown on cover page of this decision) went “unclaimed by recipient” according to Canada Post records.

Sections 89 and 90 of the *Residential Tenancy Act* state that registered mail is an approved method of service of an application and that such mail is deemed to have been received five days after its mailing.

I find the tenant was duly served with the application. A party cannot avoid this process by declining to retrieve registered mail.

The landlord reports that the tenant vacated the rental unit in early March. An order of possession is therefore no longer necessary.

On the landlord’s undisputed evidence I award him \$1200.00 for unpaid January rent, plus recovery of the \$100.00 filing fee for this application. I authorize the landlord to

retain the \$600.00 security deposit in reduction of the award. He will have a monetary order against the tenant for the remainder of \$800.00.

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: March 28, 2018

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Residential Tenancy Branch