



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MDSD & FF

Introduction

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.

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 has held that a party cannot avoid service by refusing to pick up their registered mail. I find that the 10 day Notice to End Tenancy was sufficiently served on the Tenants by posting on August 10, 2015. Further I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the tenants by mailing, on August 27, 2015 by registered mail to where the tenants reside. I determined the documents were sufficiently served despite the tenant's failure to pick up their registered mail. 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 written tenancy agreement that provided that the tenancy would start on in July 2015. The rent is \$1300 per month payable on the first day of each month. The tenant paid a security deposit of \$750 at the start of the tenancy. The tenant(s) failed to pay the rent for the months of August (\$500 remains owing) and September (\$1300 remains owing) and the sum of \$1800 remains owing. The tenant(s) vacated the rental unit around the middle of September.

Analysis - Order of Possession:

It is no longer necessary to consider the landlord's application for an Order for Possession as the tenants have vacated the rental unit and the landlord has regained possession.

Analysis - Monetary Order and Cost of Filing fee:

I determined the tenant has failed to pay the rent for the month(s) of August (\$500 remains owing) and September (\$1300 remains owing) and the sum of \$1800 remains owing. In addition the tenant owe \$81.33 for the gas bill as evidence by the Fortis Bill dated July 16, 2015 and \$269.27 for the Hydro bill as evidenced by the Hydro bill dated August 18, 2015. I determined the landlord has given sufficient notice of their intention to claim for all of last month as provided in the Application for Dispute Resolution. **I ordered that the Tenants pay to the Landlord the sum of \$2150.60 plus the sum of \$50 in respect of the filing fee for a total of \$2200.60.**

Security Deposit:

I determined the security deposit plus interest totals the sum of \$750. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$1450.60.

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: October 07, 2015

Residential Tenancy Branch

