



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNSD, MNR, FF

Introduction

This hearing dealt with an application by the landlords for a monetary order and an order permitting them to retain the security deposit. Despite having been served with the application for dispute resolution and notice of hearing sent via registered mail on August 28 and supplementary evidence sent via registered mail on November 6, the tenants did not participate in the conference call hearing. The landlords testified that the registered letters sent to the tenants at the forwarding address they provided were returned unclaimed. The tenants cannot avoid service by refusing to claim registered letters. I found that the tenants had been properly served pursuant to section 89 of the Act and the hearing proceeded in their absence.

Issue to be Decided

Are the landlords entitled to a monetary order as claimed?

Background and Evidence

The landlords' undisputed evidence is as follows. The tenancy began on October 29, 2014 and ended on August 19, 2015. The tenants paid a \$650.00 security deposit at the outset of the tenancy and were obligated to pay \$1,300.00 in rent in advance on the first day of each month. At the end of the tenancy, the tenants were \$4,500.00 in arrears.

Analysis

I accept the landlords' undisputed testimony. I find that pursuant to the terms of the tenancy agreement, the tenants were obligated to pay \$1,300.00 in rent each month and they failed to pay \$4,500.00 over the course of the tenancy. I find that the landlords are entitled to recover the arrears and I award the landlords \$4,500.00. As the

landlords have been successful in this claim, I find they should recover the filing fee paid to bring their application and I award them \$50.00 for a total entitlement of \$4,550.00.

I order the landlords to retain the \$650.00 security deposit in partial satisfaction of the claim and I grant them a monetary order under section 67 for the balance of \$3,900.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The landlords are granted a monetary order for \$3,900.00 and will retain the security deposit.

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 01, 2016

Residential Tenancy Branch

