

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, FF

Introduction

This is an application by the Landlord for an order of possession resulting from a 10 day notice to end tenancy for unpaid rent, a request for a monetary order for unpaid rent, to keep all of the security deposit, for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement and the recovery of the filing fee. The Landlord attended the hearing and gave undisputed affirmed testimony. The Tenant did not attend.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Is the Landlord entitled to a monetary order?

Background and Evidence

The Landlord states that he served the Tenant with the notice of hearing documents on February 18, 2011 by registered mail. The Landlord served the 10 day notice to end tenancy for unpaid rent on January 31, 2011 in person. The notice displayed a move out date for February 10, 2011 and unpaid rent of \$2,360.00 that was due on January 1, 2011. The Landlord has indicated that the monthly rent was \$1,200.00 and is seeking rent arrears of \$660.00 for December 2010, \$1,200.00 for January 2011 and \$1,200.00 for February 2011. The total arrears being sought by the Landlord is \$3,060.00. The Tenant made a partial payment for rent arrears, but was issued a receipt for "use and occupancy only". The Tenant is still currently occupying the rental unit. The Landlord has received a \$600.00 security deposit at the beginning of the Tenancy.

Analysis

I am satisfied that the Landlord has properly served the notice of hearing documents by registered mail. I am also satisfied that the Tenant was properly served with the 10 day notice to end tenancy. The Tenant has not paid the entire rent arrears and has not filed an application for dispute resolution within 5 days of receiving the notice.

Based upon the above facts, I find that the Landlord is entitled to an order of possession. The Tenant must be served with the order of possession. Should the Tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

As for the monetary order, I find that the Landlord has established a claim for \$3,060.00 in unpaid rent. The Landlord is also entitled to recovery of the \$50.00 filing fee. I order that the Landlord retain the \$600.00 security deposit in partial satisfaction of the claim and I grant the Landlord an order under section 67 for the balance due of \$2,510.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The Landlord is granted an order of possession and a monetary order for \$2,510.00. The Landlord may 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: February 25, 2011.

Residential Tenancy Branch