

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This is an application filed by the Landlord for an order of possession resulting from a 10 day notice to end tenancy for unpaid rent, a monetary order request for unpaid rent, to keep all of the security deposit and recovery of the filing fee.

The Landlord attended the hearing by conference call and gave testimony.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession for unpaid rent?

Is the Landlord entitled to a monetary order for unpaid rent?

Is the Landlord entitled to keep all of the security deposit?

Background and Evidence

This tenancy began on December 7, 2009 on a fixed term tenancy ending on November 20, 2011 for 1 year as shown in the submitted signed tenancy agreement. The monthly rent is \$1,300.00 payable on the 1st of each month and a security deposit of \$650.00 was paid on December 9, 2009.

The Landlord states that the Tenant was served in person by the witness, D.L. on June 10, 2011 with the notice of hearing documents. The witness, D. L. confirms this. The Landlord states that she sent the 10 day notice to end tenancy for unpaid rent on May 3, 2011 when she completed the form by regular mail. The Landlord states that the Tenant came to her afterwards and promised to pay the rent. The Landlord confirms that no rent has been paid. The Landlord is seeking unpaid rent of \$1,100.00 for April, \$1,300.00 for May and \$1,300.00 for June for a total of \$3,700.00 in unpaid rent.

Analysis

I am satisfied based upon the submitted evidence of the Landlord and the direct testimony of the Landlord and her witness that the Tenant was properly served with the notice of hearing documents and the 10 day notice to end tenancy. With no rent paid or an application for dispute filed within the allowed 5 days, the Tenant is deemed to accept that the Tenancy is at an end.

Based upon the above undisputed testimony of the Landlord 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.

I am satisfied that the Landlord has established a claim for unpaid rent for \$3,700.00. The Landlord is also entitled to the recovery of the \$50.00 filing fee. I order that the Landlord retain the \$650.00 deposit in partial satisfaction of the claim and I grant the Landlord an order under section 67 for the balance due of \$3,100.00. 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 \$3,100.00. 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: June 30, 2011.

Residential Tenancy Branch