

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 or part 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 by conference call 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?

Is the Landlord entitled to retain the security deposit?

Background and Evidence

This tenancy began on April 1, 2011 on a 1 year fixed term tenancy ending on March 31, 2012 as shown in the submitted copy of the signed tenancy agreement. The monthly rent is \$1,100.00 payable on the 1st of each month and a security deposit of \$550.00 was paid on March 30, 2011.

The Landlord states that she personally served the Tenant with the notice of hearing and evidence package on June 16, 2011 and has provided a copy of a signed receipt from the Tenant. The Landlord states that she posted the 10 day notice to end tenancy for unpaid rent on June 2, 2011 and has included a completed proof of service document. The notice shows that the Tenant was in rent arrears for \$850.00 as of June 1, 2011 as well as a \$25.00 late rent charge as shown in the tenancy agreement. The Landlord states that the Tenant did not pay the rent within the allowed 5 days nor did he file an application for dispute. The Landlord states that the Tenant has made a few partial payments since the notice was delivered. The Landlord has issued receipts for use and occupancy only.

The Landlord is seeking an order of possession for unpaid rent of \$900.00 for July and a \$25.00 late rent charge as of the date of this hearing. The Landlord states that the Tenant is still in possession of the rental unit.

Analysis

Based upon the undisputed affirmed testimony and submitted evidence of the Landlord I am satisfied that the Tenant was properly with the notice of hearing package and the 10 day notice to end tenancy. The Tenant did not pay the rent within the allowed 5 days nor filed an application for dispute. The Tenant is deemed to accept that the Tenancy is at an end. I am satisfied 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 \$900.00 in unpaid July rent and \$25.00 for July late rent charges. The Landlord is also entitled to the recovery of the \$50.00 filing fee. I order that the Landlord retain the \$550.00 deposit in partial satisfaction of the claim and I grant the Landlord an order under section 67 for the balance due of \$425.00. 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 \$425.00. 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: July 07, 2011.

Residential Tenancy Branch