

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, 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 or part of the security deposit, for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement and recovery of the filing fee.

Both parties attended the hearing by conference call and gave testimony.

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

This Tenancy began on August 1, 2006 on a month to month basis as shown in the submitted signed tenancy agreement. The current monthly rent is \$409.00 payable on the 1st of each month. The Landlord holds a security deposit of \$350.00 paid on September 27, 2005.

Both parties have attended the hearing and the Tenant has confirmed receipt of the Landlord's notice of hearing and evidence package. The Tenant has not filed any evidence.

The Landlord claims that the Tenant was served with the 10 day notice to end tenancy for unpaid rent on July 7, 2011 of \$558.00 consisting of \$409.00 of unpaid rent for July 2011 and \$149.00 for June rent arrears. The Landlord is also seeking unpaid rent of \$409.00 for August 2011. The Tenant has confirmed the service of the notice and that the rent remains unpaid to the date of this hearing.

Analysis

I am satisfied based upon the above testimony that the Tenant was properly served with the notice of hearing and evidence packages.

As the Tenant has confirmed the Landlord's claims, I am satisfied that the Landlord has established a claim for 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 of \$967.00 in unpaid rent. The Landlord is also entitled to recovery of the \$50.00 filing fee. I order that the Landlord retain the \$350.00 security deposit and the \$12.39 in interest which has accrued to the date of this judgement in partial satisfaction of the claim and I grant the Landlord an order under section 67 for the balance due of \$654.61. 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 \$654.61. 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: August 18, 2011.

Residential Tenancy Branch