

Decision

Dispute Codes: OPR, MNR, MNSD, FF

Introduction

This hearing dealt with the landlord's application for an order of possession / a monetary order as compensation for unpaid rent or utilities / retention of the security deposit / and recovery of the filing fee. The landlord's agent participated in the hearing and gave affirmed testimony.

Despite being served in person on July 14, 2011 with the application for dispute resolution and notice of hearing, the tenant did not appear.

Issues to be decided

- Whether the landlord is entitled to any or all of the above under the Act

Background and Evidence

Pursuant to a written tenancy agreement, a copy of which is not in evidence, the original term of tenancy was from August 1, 2010 to July 31, 2011. Thereafter, tenancy was to continue on a month-to-month basis. Monthly rent of \$1,000.00 is payable in advance on the first day of each month, and a security deposit of \$500.00 was collected.

The landlord testified that he issued a 10 day notice to end tenancy for unpaid rent dated July 5, 2011. The notice was served by way of posting on the tenant's door on that same date. Subsequently, the tenant made no further payment toward rent and vacated the unit on August 3, 2011 without leaving a forwarding address.

Arising from a previous hearing on July 7, 2011, a monetary order was issued in favour of the landlord in the amount of \$2,000.00. This monetary order reflects compensation for unpaid rent for each of the months of June and July 2011 (2 x \$1,000.00).

Analysis

Based on the documentary evidence and testimony of the parties, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent dated July 5, 2011. The tenant did not pay the outstanding rent within 5 days of receiving the notice, did not apply to dispute the notice, and vacated the unit on August 3, 2011. Accordingly, I find that the landlord has established entitlement to an order of possession.

As for the monetary order, in consideration of the monetary order previously issued in favour of the landlord, arising from this current hearing I find that the landlord has established a claim of \$1,050.00. This is comprised of \$1,000.00 in unpaid rent for August, as well as the \$50.00 filing fee. I order that the landlord retain the security deposit of \$500.00, and I grant the landlord a monetary order under section 67 of the Act for the balance owed of \$550.00 (\$1,050.00 - \$500.00).

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **two (2) days** after service on the tenant. This order must be served on the tenant. 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.

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$550.00**. Should it be necessary, this order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

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*.

DATE: August 12, 2011

Residential Tenancy Branch