

## **DECISION**

Dispute Codes      OPR, MNR, MNSD, FF

### Introduction

This is an application filed by the Landlord for an order of possession and a monetary order for unpaid rent, to keep all or part of the security deposit and recovery of the filing fee.

Both parties attended the hearing by conference call and gave testimony. As both parties have attended the hearing and the Tenant has acknowledged receiving all of the Landlord's evidence, I am satisfied that both have been properly served with the notice of hearing and any evidence filed under the Act. The Tenant has not submitted any evidence.

### 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 September 1, 2009 on a month to month basis as shown in the submitted copy of the signed tenancy agreement. The monthly rent is \$875.00 payable on the 1<sup>st</sup> of each month. A security deposit of \$437.50 was paid.

The Landlord states that the Tenant was served a 10 day notice to end tenancy for unpaid rent dated January 10, 2012. The Tenant has confirmed receiving the notice. The notice shows that rent of \$1,750.00 (December 2011 rent of \$875.00 and January 2012 rent of \$875.00) was due and was unpaid. The Tenant has confirmed non payment of rent. The Landlord states that as of the date of the hearing that no rent has been paid, including the February 2012 rent of \$875.00. The Tenant has confirmed no payments of any rent.

### Analysis

I accept the undisputed testimony of the Landlord and I find based upon the evidence submitted and that of direct testimony from both parties 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.

The Landlord has also established a claim for unpaid rent for \$2,625.00 (December 2011, January 2012 and February 2012 @ \$875.00 per month). The Landlord is also entitled to recovery of the \$50.00 filing fee. I order that the Landlord retain the \$437.50 security deposit in partial satisfaction of the claim and I grant the Landlord a monetary order under section 67 for the balance due of \$2,237.50. 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 \$2,237.50. 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 15, 2012.

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Residential Tenancy Branch