

DECISION

Dispute Codes OPR, MNR, MNSD, 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 and pet damage deposit and recovery of the filing fee.

Both parties attended the hearing by conference call and gave testimony. The Landlord submitted a late amended evidence package. The Tenant has acknowledged receiving the amended package with an increased monetary claim to \$4,000.00 to include outstanding rent of \$2,000.00 for each month of March and April 2012. The Tenant did not submit any evidence. The Landlord states that the Tenant was served with the notice of hearing and evidence package by Canada Post Registered Mail on March 23, 2012 and has submitted a copy of the Registered Mail Customer Receipt as evidence. As such, I find that both parties have been properly served with the notice of hearing, amended notice of hearing and the Landlord's evidence package under the Act.

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 retain the security deposit?

Background and Evidence

This Tenancy began on February 2, 2012 on a 1 year fixed term tenancy until January 31, 2013 and then ends as shown in the submitted copy of the signed tenancy agreement. The monthly rent is \$2,000.00 payable on the 1st of each month and a security deposit of \$1,000.00 was paid on February 2, 2012.

The Landlord states that the Tenant was served with the 10 day notice to end tenancy for unpaid rent on March 8, 2012. The Tenant has acknowledged that she received the notice. The Landlord states that the notice displays an effective date of March 18, 2012 and that rent of \$2,000.00 that was due on March 1, 2012 was not paid. The Tenant

confirmed in her direct testimony that rent for March and April 2012 has not been paid and that the Tenants have not filed for dispute of the notice.

Analysis

I accept the undisputed testimony of the Landlord and find based upon the Tenant's direct testimony that rent of \$2,000.00 for March 2012 was not paid, nor did the Tenants file an application to dispute the notice. I accept the Landlord's amended application to include the increased monetary claim of \$2,000.00 for unpaid rent for April 2012. The Tenant confirmed in her testimony that rent for April was not paid. I am satisfied that the Landlord served the Tenant with the 10 day notice to end tenancy on March 8, 2012. 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 the amended amount of \$4,000.00 consisting of unpaid rent of \$2,000.00 for March and \$2,000.00 for unpaid rent for April of 2012. The Landlord is also entitled to recovery of the \$50.00 filing fee. I order that the Landlord retain the \$1,000.00 security deposit in partial satisfaction of this claim and I grant the Landlord an order under section 67 for the balance due of \$3,050.00. 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 \$3,050.00. 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: April 16, 2012.

Residential Tenancy Branch