

DECISION

Dispute Codes OPC, MND, MNR, MNSD, FF

Introduction

This is an application filed by the Landlord for an order of possession based upon a 1 month notice to end tenancy issued for cause and a monetary order for unpaid rent, for damage to the unit, site or property, to keep all or part of the security deposit and recovery of the filing fee.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend. The Landlord states that the Tenant was served with the notice of hearing and evidence package by Canada Post Registered Mail on May 11, 2012. The Landlord has submitted a copy of the Canada Post Customer Receipt as evidence. As such, I am satisfied that the Tenant was properly served with the notice of hearing and evidence package by registered mail as deemed under the Act.

It was clarified by the Landlord at the beginning of the hearing that the Tenant still occupies the rental unit and that the Landlord has been unable to enter the rental unit. The Landlord wishes to withdraw her claim for damages at this time. As such, this portion of the application requires no action at this time.

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, Evidence and Analysis

The Landlord states that the monthly rent is \$2,000.00 and that a damage deposit of \$2,000.00 was paid based upon a tenancy agreement. The Landlord has not provided a copy of the tenancy agreement.

The Landlord states that the Tenant was served a 1 month notice to end tenancy issued for cause dated March 31, 2012 by posting it on the door. The effective date of the notice is for April 30, 2012. The Landlord states that the Tenant still resides in the rental unit as of the date of this hearing. The Landlord seeks an order of possession.

The Landlord further states that the Tenant has also failed to pay rent for totalling, \$4,000.00 for the months of April (\$2,000.00) and May (\$2,000.00). The Landlord seeks a monetary order for \$4,000.00 for unpaid rent.

I accept the undisputed testimony of the Landlord and find that the Tenant was served with a notice to end tenancy issued for cause. The Tenant did not file an application to dispute the notice nor has he attended to dispute the application filed by the Landlord. The Landlord is granted an order of possession. This order must be served on the Tenant. If the Tenant fails 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 based upon the undisputed testimony of the Landlord that a claim of unpaid rent has been established for \$4,000.00. The Landlord is also entitled to recovery of the \$50.00 filing fee. I order that the Landlord may retain the \$2,000.00 security deposit in partial satisfaction of this claim and grant a monetary order for the balance of \$2,050.00. 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 \$2,050.00. 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: June 05, 2012.

Residential Tenancy Branch