

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.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend. The Tenant did not submit any documentary evidence. The Landlord states that the Tenant was served by Canada Post Registered Mail on July 18, 2012 and has provided the Customer Tracking Number. The Landlord indicated that online tracking shows that the Tenant received the package on July 19, 2012. As such, I am satisfied that both parties have been properly served with the notice of hearing and any documentary evidence submitted.

At the beginning of the hearing, the Landlord stated that a clerical error occurred on the 10 day notice and that the monthly rent owed is \$700.00 and not \$775.00 as indicated. The Landlord wishes to amend the application to change this amount. The amended amount is noted and changed.

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 Tenant was served with a 10 day notice to end tenancy for unpaid rent of \$700.00 dated July 3, 2012 in person on the same date. The Landlord states that a security deposit of \$350.00 was paid on October 25, 2011.

The Landlord states that the Tenant still occupies the rental unit as of the date of this hearing and has failed to pay any rent since the 10 day notice to end tenancy for unpaid rent was served on July 3, 2012.

The Landlord seeks an order of possession and a monetary order for \$700.00 for July 2012 unpaid rent.

I accept the undisputed testimony of the Landlord and find that the Tenant was properly served with the 10 day notice to end tenancy for unpaid rent. The Landlord has established a claim for the above requested orders. The Landlord is granted 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 monetary claim for the amended claim of \$700.00. The Landlord is entitled to recovery of the \$50.00 filing fee. I order that the Landlord retain the \$350.00 security deposit in partial satisfaction of the claim and I grant the Landlord a monetary order for the balance due of \$400.00. 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 \$400.00. 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: August 09, 2012.

Residential Tenancy Branch