

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 has not submitted any documentary evidence. The Landlord states that the Tenant was served with the notice of hearing and evidence package by Canada Post Registered Mail on August 1, 2012 and has submitted the Customer Receipts in support. As such, I am satisfied that both parties have been properly served with the notice of hearing and the submitted evidence as deemed under the Act.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Is the Landlord entitled to a monetary order?

Background, Evidence and Analysis

This Tenancy began on February 12, 2012 on a fixed term tenancy ending on February 28, 2012 as shown by the submitted copy of the signed tenancy agreement. The monthly rent is \$3,000.00 payable on the 1st of each month and a security deposit of \$1,500.00 was paid.

The Landlord states that the Tenant was served with a 10 day notice to end tenancy for unpaid rent dated July 18, 2012. The Landlord has submitted a proof of service document that states that the notice was served on July 18, 2012 by posting it on the rental unit door with a witness. The notice states that rent of \$3,050.00 was due on July 1, 2012 that was unpaid. The stated effective date of the notice is July 28, 2012. I accept the undisputed testimony of the Landlord and find based upon the documentary evidence that the Tenant was served with the notice to end tenancy on July 18, 2012 and is deemed served on July 21, 2012. The Tenant failed to pay the outstanding rent or file for dispute resolution to dispute the notice. 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 seeks a monetary order for unpaid rent as the Tenant has failed to make any rent payments from the date of the notice on July 18, 2012 until the date of this hearing. The Landlord seeks a monetary order for \$3,000.00 in unpaid rent. Based upon the above, I find that the Landlord has established a monetary claim for \$3,000.00 in unpaid rent. The Landlord is also entitled to recovery of the \$50.00 filing fee. I order that the Landlord retain the \$1,500.00 security deposit in partial satisfaction of the claim and I grant an order under section 67 for the balance due of \$1,550.00. 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 \$1,550.00. 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 28, 2012.

Residential Tenancy Branch