

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This is an application filed by the Landlord for an order of possession and a monetary order for unpaid rent and the recovery of the filing fee.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend and did not submit any documentary evidence. The Landlord states that the Tenant was personally served on August 12, 2012 with the notice of hearing and evidence package. I accept the undisputed testimony of the Landlord and find that the Tenant was personally served with the notice of hearing and evidence documents as deemed under the Act.

The Landlord clarified at the beginning of the hearing that the request for an order of possession is no longer required as the Tenant vacated the rental unit on August 15, 2012 and that she has possession. As such, no further action is required for the order of possession request.

Issue(s) to be Decided

Is the Landlord entitled to a monetary order?

Background, Evidence and Analysis

This Tenancy began on December 15, 2011 on a month to month basis as shown by the submitted copy of the signed tenancy agreement. The monthly rent is \$950.00 payable on the 1st of each month and a security deposit of \$475.00 was paid on November 9, 2011.

The Landlord states that the Tenant was personally served with the 10 day notice to end tenancy for unpaid rent on August 2, 2012. The notice dated August 2, 2012 shows that rent of \$950.00 was due on August 1, 2012 and remains unpaid. The notice also states that the effective date of the notice is August 11, 2012. The Act provides that the effective date of the notice is automatically corrected after proper service. As the notice was personally served on August 2, 2012, the effective date of the notice is corrected to August 12, 2012. The Landlord stated that the Tenants vacated the rental unit on

August 15, 2012 without providing a forwarding address in writing or paying any of the outstanding rent.

I find that the Tenant did not pay the outstanding rent within 5 days of receiving the notice and did not apply for dispute resolution to dispute the notice and is therefore conclusively presumed to have accepted that the Tenancy ended on the effective date of the notice. Based upon the above facts, I find that the Landlord has established a claim for \$950.00 in unpaid rent. The Landlord is also entitled to recovery of the \$50.00 filing fee. I order that the Landlord retain the \$475.00 security deposit in partial satisfaction of the claim and I grant the Landlord an order under section 67 for the balance due of \$525.00.

Conclusion

The Landlord is granted an order of possession and a monetary order for \$525.00. 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: September 07, 2012.

Residential Tenancy Branch