

## **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 has not submitted any documentary evidence. The Landlord has submitted a copy of the 10 day notice to end tenancy for unpaid rent and a copy of the proof of service for the notice. The Landlord states that the Tenant was personally served on August 22, 2012 at the rental unit with a witness. I accept the undisputed testimony that the Tenant has been properly served with the notice of hearing and evidence submitted.

The Landlord stated that the Tenant has vacated the rental unit sometime at the end of August 2012 and no longer requires an order of possession. As such, this portion of the application is considered withdrawn and no further action is required.

### **Issue(s) to be Decided**

Is the Landlord entitled to a monetary order?

### **Background and Evidence**

The Landlord states that the monthly rent is \$1,250.00 and that the Tenant has failed to pay the rent due on August 1, 2012. The Landlord has also stated in his direct testimony that a signed tenancy agreement exists, but that a copy was not submitted as well as the Landlord currently holds a \$625.00 security deposit that was paid on June 1, 2012.

The Landlord posted a 10 day notice to end tenancy for unpaid rent dated August 2, 2012 on August 3, 2012 on the rental unit door. The Landlord states that the Tenant has failed to pay any rent since the posting of the notice up until the date of this hearing. The Landlord states that the Tenant made a partial payment of \$167.50 prior to August 1, 2012 and seeks a monetary order for the difference of \$1,082.50 from the monthly rent.

### Analysis

I accept the undisputed testimony of the Landlord and find that a claim for unpaid rent of \$1,082.50 has been established. The Landlord is also entitled to recovery of the \$50.00 filing fee. I order that the Landlord retain the \$625.00 security deposit in partial satisfaction of the claim and grant a monetary order under section 67 for the balance due of \$507.50. 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 a monetary order for \$507.50.  
The Landlord may retain the \$625.00 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 24, 2012.

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Residential Tenancy Branch