

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 pet damage and security deposits and recovery of the filing fee.

The Landlord attended the hearing by conference call and gave undisputed testimony and has submitted documentary evidence. The Tenant did not attend and 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 September 5, 2012 and has submitted the Customer Receipt in support.

The Landlord indicated at the beginning of the hearing that as of October 2, 2012 the rental unit was vacated by the Tenant and that the Landlord is now in possession of it. The Landlord withdraws the request for an order of possession as such. No further action on this issue is required. The Landlord has also indicated that the Tenant made a late rent payment of \$1,100.00 prior to vacating.

Issue(s) to be Decided

Is the Landlord entitled to a monetary order?

Is the Landlord entitled to retain the pet damage and security deposits?

Background, Evidence and Analysis

This Tenancy began on April 1, 2012 on a fixed term tenancy for 12 months until March 31, 2013 as shown by the submitted copy of the signed tenancy agreement. The Landlord had possession of the rental on October 2, 2012. The monthly rent was \$1,100.00 payable on the 1st of each month and a \$550.00 pet damage and \$550.00 security deposits were paid.

The Landlord states that a 10 day notice to end tenancy for unpaid rent was issued August 14, 2012 by posting it on the rental unit door. The notice stated that as of August 1, 2012, \$1,100.00 in outstanding rent was due.

The Landlord states that rent for August and September of \$1,100.00 each was owed and unpaid for a total of \$2,200.00. As indicated by the Landlord in his direct testimony, a \$1,100.00 late payment was made and that the total arrears as of the date of the hearing was \$1,100.00. I accept the undisputed testimony of the Landlord and find based upon this and the documentary evidence that the Landlord has established a monetary claim for the \$1,100.00 in unpaid rent. The Landlord is also entitled to recovery of the \$50.00 filing fee. I order that the Landlord retain the \$550.00 pet damage and the \$550.00 security deposit in partial satisfaction of the claim and I grant the Landlord a monetary order under section 67 for the balance due of \$50.00. 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 a monetary order for \$50.00.
The Landlord may retain the pet damage and security deposits.

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: October 03, 2012.

Residential Tenancy Branch