



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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 or submit any documentary evidence. The Landlord states that the Tenant was served with the notice of hearing package by Canada Post Registered Mail on February 18, 2013 and has provided a copy of the Customer Receipt Tracking No. as confirmation. As such, I am satisfied that both parties have been properly served with the notice of hearing package and the submitted evidence.

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

This Tenancy began on May 6, 2012 on a fixed term tenancy ending on June 1, 2013 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 and a pet damage deposit of \$1,500.00 were paid on May 3, 2012.

The Landlord states that the Tenant was served with a 10 day notice to end tenancy for unpaid rent dated February 18, 2013 in person by leaving it with the Tenant's son at the rental unit. The Landlord does not recall the Tenant's son's name, but that service was witness by her friend. The Landlord has submitted a copy of a proof of service

document as confirmation. The notice states that rent of \$6,000.00 was unpaid (February \$3,000.00 and March \$3,000.00). The effective date of the notice is stated as February 28, 2013. The Landlord states that as of the date of this notice that no rent has been paid since serving this notice.

I accept the undisputed testimony of the Landlord and find that the Tenant has properly served with the 10 day notice to end tenancy for unpaid rent. The Tenant has not paid the rent within the allowed time frame and has not filed an application for dispute resolution to dispute the notice. The Tenant is presumed to have accepted that the Tenancy was at an end. The Landlord has established a claim for an order of possession. The Landlord is granted an order of possession. This order must be served upon the Tenant. 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.

As for the monetary claim of \$6,000.00, I find that the Landlord has established a claim for \$6,000.00 in unpaid rent for February and March of 2013. The Landlord is also entitled to recovery of the \$100.00 filing fee. I order that the Landlord retain the combined security deposit (\$1,500.00) and pet damage deposit (\$1,500.00) of \$3,000.00 in partial satisfaction of this claim and I grant a monetary order under section 67 for the balance due of \$3,100.00. 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 \$3,100.00. The Landlord may retain the security and pet damage 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: March 27, 2013

Residential Tenancy Branch

