



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding New Orleans Court  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR, MNR, MNDC, MNSD, FF

### Introduction

This is an application filed by the Landlord for an order of possession and a monetary order for unpaid rent or utilities, for money owed or compensation for damage or loss, 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 14, 2013 and has submitted a copy of the Customer Receipt as confirmation. I accept the undisputed testimony of the Landlord and find that the Tenant has been properly served with the notice of hearing package by Canada Post Registered Mail on February 14, 2013.

During the hearing, the Landlord withdrew the monetary claim for a late rent charge. As such, no further action is required for this portion of the claim.

### 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 November 1, 2012 on a fixed term tenancy ending on October 31, 2013 as shown by the submitted copy of the signed tenancy agreement. The monthly rent is \$875.00 payable on the 1<sup>st</sup> of each month and a security deposit of \$437.50 was paid on October 18, 2012.

The Landlord states that the Tenant was served with a 10 day notice to end tenancy issued for unpaid rent dated February 2, 2013 on the same date by posting it to the rental unit door. The notice states that rent of \$875.00 and a \$20.00 late fee was due and unpaid as of January 31, 2013. The notice displays an effective date of February 12, 2013. The Landlord states that the Tenant is still in possession of the rental and has not paid any rent as of the date of this hearing.

The Landlord seeks an order of possession and a monetary order for unpaid rent of \$1,750.00 (\$875.00 for February and \$875.00 for March).

I accept the undisputed testimony of the Landlord and find that the Tenant was properly served with the 10 day notice to end tenancy issued for unpaid rent on February 2, 2013 by posting it on the rental unit door as shown by the submitted proof of service. The Landlord is entitled to an order of possession.

As for the monetary claim, I find that the Landlord has established a monetary claim of \$1,750.00 for unpaid rent. The Landlord is also entitled to recovery of the \$50.00 filing fee. I order that the Landlord retain the \$437.50 security deposit in partial satisfaction of the claim and grant the Landlord a monetary order for the balance due of \$1,362.50. This order must be served on the Tenant. This order may be file 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 \$1,362.50. 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: March 07, 2013

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Residential Tenancy Branch

