



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 or utilities, 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 notice of hearing package was sent by Canada Post Registered Mail on February 25, 2013 and has provided the Customer Receipt Tracking Number as confirmation in his direct testimony. I accept the undisputed testimony of the Landlord and find that the Tenant was properly served by Canada Post Registered Mail on February 25, 2013.

The Landlord states that an order of possession is no longer required as the Tenant has vacated the rental unit as of a few days before the hearing. As such no further action is required for the request for an order of possession.

Issue(s) to be Decided

Is the Landlord entitled to a monetary order?

Is the Landlord entitled to retain the security deposit?

Background and Evidence

This Tenancy began on June 1, 2012 on a fixed term tenancy ending on August 31, 2012. The Tenancy was extended by consent of both parties beginning September 1, 2012 to a month to month basis on August 30, 2012. The monthly rent is \$595.00 on or before the 24th of each month and a security deposit of \$297.50 was paid on June 1, 2012.

The Landlord states that the Tenant was served with a 10 day notice to end tenancy issued for unpaid rent dated December 3, 2012 in person on December 3, 2012. The notice states that rent of \$620.00, which consists of \$595.00 in rent and \$25.00 for a late rent fee were not paid by December 3, 2012. The Landlord states that no rent was paid since the issuance of this notice dated December 3, 2012.

Analysis

I accept the undisputed testimony of the Landlord and find that a monetary claim for unpaid rent of \$620.00 and a late rent fee of \$25.00 has been established. I find that the Tenant was properly served with the 10 day notice to end tenancy for unpaid rent dated December 3, 2012 in person by the Landlord. The Landlord is also entitled to recovery of the \$50.00 filing fee. I order that the Landlord retain the \$297.50 security deposit in partial satisfaction of the claim and I grant a monetary order for the balance due of \$372.50. This order must be served on the Tenant. Should the Tenant fail to comply with the order, the 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 \$372.50.
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 12, 2013

Residential Tenancy Branch

