



Dispute Resolution Services

Page: 1

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. The Landlord states that the Tenant was personally served with the notice of hearing package and submitted documentary evidence on May 16, 2013. I accept the undisputed testimony of the Landlord and find that that the Tenant was properly served with the notice of hearing package and submitted documentary 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 and Evidence

This Tenancy began on March 1, 2013 on a month to month basis as shown by the submitted copy of the signed tenancy agreement. The monthly rent was \$750.00 payable on the 1st of each month. A pet damage deposit of \$500.00 and a security deposit of \$375.00 were paid.

The Landlord states that the Tenant was served with two 10 day notice to end tenancy issued for unpaid rent, both dated on April 26, 2013 by posting them on the rental unit door. A proof of service document is attached to the Landlord's evidence which states

that this service for both documents were witnessed and a photograph of posting them was included. The first states that rent was due on March 1, 2013 was unpaid in the amount of \$200.00 and the second was rent that was due on April 1, 2013 was unpaid in the amount of \$750.00. The Landlord states that the Tenant paid \$865.00 in cash for the combined pet damage and security deposits and that the balance of \$10.00 was added to the March 2013 rent cheque. The Landlord states that the March 2013 rent cheque was returned by the bank as "NSF". The Tenant subsequently paid \$560.00 in cash on March 15, 2013 leaving \$200.00 in arrears for which a receipt was issued for "use and occupancy only". The Tenant has made a cash payment of \$760.00 on May 4, 2013 for which another receipt "for use and occupancy only" was issued. The Landlord states that no other payments have been made as of the date of this hearing.

The Landlord seeks an order of possession and a monetary order for unpaid rent. The Landlord states that the Tenant is in arrears for \$940.00.

Analysis

I accept the undisputed testimony of the Landlord and find that the Tenant has been served with two 10 day notices to end tenancy issued for unpaid rent, both on April 26, 2013 by posting them to the rental unit door. The Tenant has failed to pay the rent arrears and has not filed for dispute resolution to dispute the notices. I find that the Tenant has accepted that the Tenancy is at an end. The Landlord has established a claim for an order of possession for unpaid rent. 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, I find based upon the undisputed testimony of the Landlord and the submitted documentary evidence that the Landlord has established a claim for unpaid rent of \$940.00. The Landlord is also entitled to recovery of the \$50.00 filing fee. I order that the Landlord retain the combined \$875.00 pet damage and security deposits in partial satisfaction of the claim and I grant a monetary order for \$115.00. 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 \$115.00.
The Landlord may retain the combined 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: June 12, 2013

Residential Tenancy Branch

