



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Bristol Estates
and [tenant name suppressed to protect privacy]

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.

Both parties attended the hearing by conference call and gave testimony. The Tenant has not submitted any documentary evidence. As both parties have attended the hearing and have confirmed receipt of the Landlord's notice of hearing package and submitted documentary evidence, I am satisfied that both parties have been properly served.

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

The Landlord states that this Tenancy began on August 22, 2005 on a fixed term tenancy ending on August 1, 2006 and then thereafter on a month to month basis as shown by the submitted copy of the signed tenancy agreement. The monthly rent is \$800.00 payable on the 1st of each month. The Tenant has paid a \$695.00 combined security and pet damage deposits.

The Landlord seeks an order of possession and a monetary order for unpaid rent of \$1,600.00 for May and June of 2013. Both parties have confirmed that the Landlord

has served the Tenant a 10 day notice to end tenancy for unpaid rent dated May 2, 2013 with an effective date of May 13, 2013. The notice states that rent of \$800.00 was due on May 1, 2013 and was unpaid.

Both parties have confirmed that the Tenant paid \$875.00 on June 2, 2013 and was issued a receipt for use and occupancy only. Both parties have confirmed that the current arrears equal to \$725.00 in unpaid rent, \$25.00 for late rent fee for May and \$25.00 for a late rent fee for June. The Tenant confirmed in her direct testimony that she has failed to pay all of the owed rent, but is willing to attempt to pay all of the arrears within the next few days.

The Landlord has clarified that she wished to obtain an order of possession to end the tenancy and is seeking a monetary claim of \$775.00 for unpaid rent and late fees.

Analysis

I accept the undisputed testimony of the Landlord and find that the Tenant was served with a 10 day notice to end tenancy for unpaid rent dated May 2, 2013. The Tenant admitted in her direct testimony that rent was not paid and is still in arrears based upon the Landlord's calculations. The Landlord issued a receipt for use and occupancy only upon being given a partial rent payment of \$875.00 on June 2, 2013. The Landlord is entitled to an order of possession. The 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 evidence of both parties that the Landlord has established a claim for rent arrears of \$725.00 and \$50.00 in combined late rent fees for May and June as entitled based upon the signed tenancy agreement. The Landlord has established a monetary claim of \$775.00. The Landlord is also entitled to recovery of the \$50.00 filing fee. I order that the Landlord retain the \$695.00 combined pet and security deposits in partial satisfaction of the claim. The Landlord is granted a monetary order for the balance due of \$130.00. 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 \$130.00.
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: June 11, 2013

Residential Tenancy Branch

