



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 both Tenants were served with the notice of hearing package and submitted documentary evidence by Canada Post Registered Mail on May 16, 2013. The Landlord has submitted a copy of the Customer Receipt Tracking number as confirmation. I accept the evidence of the Landlord and find that the Tenants have been properly served with the notice of hearing package and the 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

The Landlord stated in her direct testimony that this Tenancy began on January 20, 2012 on a month to month basis. The monthly rent was \$700.00 payable on the 1st of each month and that the rent was increased to \$750.00 in March of 2013. The Landlord states that a \$350.00 security deposit was paid.

The Landlord states that the Tenants were served with a 10 day notice to end tenancy issued for unpaid rent on May 2, 2013 in person on the same date. The notice states that rent of \$750.00 was due and unpaid on May 1, 2013. The notice shows an effective date of May 12, 2013. The Landlord states that since the notice was issued a partial payment of \$375.00 was paid in May 2013 and that rent for June 2013 remains unpaid as of the date of this hearing.

The Landlord seeks an order of possession and a monetary order for unpaid rent of \$1,125.00. This consists of unpaid rent for May 2013 of \$375.00 and \$750.00 for June 2013. The Landlord states that both Tenants are still occupying the rental unit and that attempts to communicate with them go unanswered.

Analysis

I accept the undisputed testimony of the Landlord and find that a 10 day notice to end tenancy issued for unpaid rent dated May 2, 2013 was personally served upon the Tenants. The Tenants failed to pay the rent arrears nor did they make an application for dispute resolution to dispute the notice within the allowed time frame. The Tenants are presumed to have accepted that the Tenancy was at an end. The Landlord is entitled to an order of possession. This order must be served upon the Tenants. Should the Tenants 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 that the Landlord has established a claim for unpaid rent of \$1,125.00 which consists of \$375.00 in unpaid rent for May 2013 and \$750.00 for unpaid rent for June 2013. The Landlord is also entitled to recovery of the \$50.00 filing fee. I order that the Landlord retain the \$350.00 security deposit in partial satisfaction of the claim and I grant a monetary order for \$800.00. 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 \$800.00.
The Landlord may retain the \$375.00 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: June 12, 2013

Residential Tenancy Branch

