



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MND, O, 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 damage to the unit, site or property, 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 Tenants did not attend. The Landlord states that the Tenants were served with the notice of hearing package by Canada Post Registered Mail on May 30, 2013 and have submitted copies of the Customer Tracking Receipt as confirmation. The Landlord stated that the Tenants vacated the rental unit on June 1, 2013 and was verbally told by the Tenants that their mail would be forwarded by Canada Post. I accept the undisputed testimony of the Landlord and find that the Tenants were properly served with the notice of hearing package and submitted documentary evidence.

At the beginning of the hearing the Landlord withdrew her monetary claims for floor damage and the loss of rent. No further action is required for these portions of the claim.

It was also clarified with the Landlord that as the Tenants vacated the rental unit on June 1, 2013 the Landlord is withdrawing her request for an order of possession. 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 for unpaid rent?
Is the Landlord entitled to retain the security deposit?

Background and Evidence

This Tenancy began on February 1, 2013 on a month to month basis as shown by the submitted copy of the signed tenancy agreement. The monthly rent was \$2,800.00

payable on the 15th of each month and a security deposit of \$1,400.00 was paid on January 14, 2013.

The Landlord seeks a monetary order for \$5,670.00 for unpaid rent. The Landlord states that the Tenant's total rent due from February 1, 2013 to June 14, 2013 is \$12,620.00. The Tenant's paid a total of \$6,050.00 in cash. The Landlord states that the total unpaid rent due is \$5,670.00 as shown by the Rent Record spreadsheet dated May 22, 2013 submitted by the Landlord. The Landlord has also submitted copies of 4 10 day notices to end tenancy issued for unpaid rent from February to May 2013 that were all posted to the rental unit door.

Analysis

I accept the undisputed testimony of the Landlord and find that the Tenants were properly served with the 10 day notice to end tenancy for unpaid rent by posting it to the rental unit door. The Tenant's failed to pay the entire rent owed and did not file for dispute resolution to dispute any of the 4 notices.

I find based upon the undisputed testimony and the documentary evidence filed by the Landlord that the Landlord has established a monetary claim of \$5,670.00 for unpaid rent. The Landlord is also entitled to recovery of the \$100.00 filing fee. I order that the Landlord retain the \$1,400.00 security deposit and grant a monetary order for the balance due of \$5,270.00. 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 a monetary order for \$5,270.00.
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: June 13, 2013

Residential Tenancy Branch

