



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CAPREIT
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.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant attended the hearing and has not submitted any documentary evidence. The Landlord states that both Tenants have been served with the notice of hearing package and the submitted documentary evidence by Canada Post Registered Mail on June 21, 2013. As both parties have attended and have confirmed receipt of the notice of hearing and evidence packages submitted, 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

This Tenancy began on January 1, 2013 on a fixed term tenancy ending on December 31, 2013 as shown by the submitted copy of the signed tenancy agreement. The monthly rent is \$1,060.00 payable on the 1st of each month and a security deposit of \$530.00 and a pet damage deposit of \$530.00 were both paid.

The Landlord states that a 10 day notice to end tenancy for unpaid rent dated June 6, 2013 was served on the Tenants by posting it to the rental unit door. The notice states that \$1,420.00 was due on June 1, 2013 and remains unpaid. The notice shows an effective date of June 19, 2013.

The Landlords documentary evidence states that an order of possession and a monetary order for unpaid rent of \$1,470.00 is being sought. The Landlord states that the monetary claim consists of \$335.00 in rent arrears for May 2013, \$1,060.00 in rent arrears for June 2013, a \$25.00 NSF charge for June rent, \$30.00 for June Parking fees and \$20.00 for June Locker fees. The Landlord states that the Tenant made a partial late rent payment of \$800.00 on May 2013 and another for \$1,000.00 in June 2013.

During the hearing both parties confirmed that the Tenant is still in residence and that no rent has been paid for July 2013. Both parties agreed that the Tenant made two partial late rent payments and that the total amounted currently owed as of the date of the hearing is \$1,605.00. This consists of \$470.00 in rent arrears from June, \$1,060.00 for unpaid rent for July 2013, \$30.00 for the monthly parking fee, \$20.00 for the monthly locker fee and \$25.00 for a NSF charge.

Analysis

I find that the Landlord has served the Tenant with the 10 day notice to end tenancy dated June 6, 2013 by posting it to the rental unit door. The Tenant has confirmed in his direct testimony that rent was not paid on time. The Landlord has established a claim for an order of possession. The Landlord is granted an order of possession. The Tenant must be served with the order of possession. 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 both parties that the Landlord has established a monetary claim for \$1,605.00. The Landlord is also entitled to recovery of the \$50.00 filing fee. I order that the Landlord retain both the security and pet damage deposits in partial satisfaction of the claim and I grant a monetary order under section 67 for the balance due of \$595.00. 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 \$595.00.
The Landlord may retain both 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: July 17, 2013

Residential Tenancy Branch

