



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Capital J Management Ltd.
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 have confirmed receipt of the notice of hearing package. Neither party submitted any 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

Both parties agreed that the Landlord served the Tenant with a 10 day notice to end tenancy for unpaid rent on May 15, 2013 after the May rent cheque was returned NSF. Both parties further agreed that the Tenant made a cash payment of \$1,250.00 for use and occupancy only. Both parties confirmed that no rent has been paid since and that the Tenant is still occupying the rental unit.

Both parties agreed that the monthly rent was \$1,200.00 and that a \$600.00 security deposit was paid.

The Landlord seeks an order of possession and a monetary order for unpaid rent for June and July for \$2,400.00.

Analysis

I accept the undisputed testimony of both parties and find that the Landlord has established claim for unpaid rent for June and July 2013. 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 combined testimony of both parties that the Landlord has established a claim for unpaid rent for June and July 2013 of \$2,400.00. The Landlord is also entitled to recovery of the \$50.00 filing fee. I order that the Landlord retain the \$600.00 security deposit in partial satisfaction of the claim and I grant a monetary order for the balance due of \$1,850.00. 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 \$1,850.00. 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: July 17, 2013

Residential Tenancy Branch