



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Boundary Management Inc.
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 did not attend or submit any documentary evidence. The Landlord states that the Tenant was personally served with the notice of hearing package and the submitted documentary evidence on June 20, 2013 at the rental unit. I am satisfied based upon the undisputed testimony of the Landlord that the Tenant has been properly served with the notice of hearing package and the submitted documentary evidence in person on June 20, 2013.

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 December 1, 2009 on a month to month basis as shown by the submitted copy of the signed tenancy agreement. The monthly rent is \$750.00 payable on the 1st of each month and a security deposit of \$375.00 was paid.

The Landlord states that the Tenant was served with the 10 day notice to end tenancy dated June 5, 2013 by posting to the rental unit door on June 6, 2013. The notice states that \$1,850.00 was due on June 1, 2013 and remains unpaid. The notice displays an effective date of June 15, 2013. The Landlord states that since this notice

was served, no payments have been made by the Tenant for rent nor has the Tenant vacated the rental unit.

The Landlord seeks an order of possession and a monetary order for \$2,600.00. This consists of rent arrears of \$1,850.00 based upon the 10 day notice dated June 5, 2013 and \$750.00 for unpaid rent for July 2013.

Analysis

I accept the undisputed testimony of the Landlord and find that the Tenant has been properly served with the 10 day notice to end tenancy dated June 5, 2013 in person on June 6, 2013. The Tenant has failed to pay the amount owed and has not filed an application for dispute resolution to dispute the notice. The Tenant is conclusively presumed to have accepted that the Tenancy is at an end. The Landlord is granted an order of possession. The Tenant must be served with an 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 evidence of the Landlord that a claim has been established for unpaid rent of \$2,600.00. The Landlord is also entitled to recovery of the \$50.00 filing fee. The Landlord may retain the \$375.00 security deposit currently held in partial satisfaction of the claim and I grant a monetary order under section 67 for the balance due of \$2,275.00. 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 \$2,275.00. 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 18, 2013

Residential Tenancy Branch