



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Cyclone Holdings 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 gave testimony. The Landlord has submitted a copy of a 10 day notice to end tenancy and a proof of service document as their documentary evidence. The Tenant has acknowledged receiving the notice of hearing package and the Landlord's documentary evidence. The Tenant did not submit any documentary evidence. I find that both parties 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 states that the Tenant was served with a 10 day notice to end tenancy for unpaid rent dated June 2, 2013 by posting it to the rental unit door on the same date. The Landlord has submitted a copy of a proof of service document that states that this service was witnessed as being served on June 2, 2013. The notice states that \$885.00 in rent was due on June 1, 2013 which went unpaid. The notice also shows an effective date of June 15, 2013.

Both parties agreed that the monthly rent was \$860.00 and that a security deposit of \$430.00 was paid.

The Tenant admitted in her direct testimony to receiving the 10 day notice to end tenancy dated June 2, 2013 and that she is not contesting the Landlord's claims. The Tenant admitted that she was in arrears.

Analysis

I accept the undisputed testimony of the Landlord and find that the Tenant was properly served with a 10 day notice to end tenancy issued for unpaid rent dated June 2, 2013 by posting it to the rental unit door. The Tenant has admitted in her direct testimony to being in arrears for June rent. The Tenant did not contest the notice to end tenancy and did not pay the amount owed within the allowed time frame. 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. 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.

I also find based upon the undisputed testimony that the Landlord has established a monetary claim of \$885.00 consisting of \$860.00 for June rent and \$25.00 for a late rent fee. The Tenant admitted in her direct testimony to being in arrears. The Landlord is also entitled to recovery of the \$50.00 filing fee. I order that the Landlord retain the \$430.00 security deposit in partial satisfaction of the claim and I grant a monetary order under section 67 for the balance due of \$505.00. 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 \$505.00. 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 19, 2013

Residential Tenancy Branch