



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Hollyburn Estates Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, MNDC, MNSD, FF

Introduction

This is an application filed by the Landlord for an order of possession and a monetary order for unpaid rent, for money owed or compensation for damage or loss, 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 served with the notice of hearing package and the submitted documentary evidence in person on June 26, 2013 and has submitted a signed receipt for the package. I am satisfied that both parties have been properly served with the notice of hearing package as per the Act.

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 May 1, 2012 on a fixed term tenancy ending on October 31, 2012 and then thereafter on a month to month basis as shown by the submitted signed tenancy agreement. The monthly rent is \$1,215.00 payable on the 1st of each month and a security deposit of \$607.50 was paid.

The Landlord states that a 10 day notice to end tenancy for unpaid rent dated June 7, 2013 was posted to the rental unit door on the same date. The notice states that \$1,215.00 was due on June 1, 2013 and remains unpaid. The notice also shows that the Tenant owed \$45.00 in parking fees and a \$25.00 late rent fee as shown by the tenancy agreement. The notice states an effective date of June 17, 2013. The Landlord states that no rent was paid and that the Tenant did not vacate the rental unit until July 9, 2013. The Landlord states that there is some damage to the unit and that it currently sits vacant.

The Landlord has withdrawn her request for an order of possession as the Tenant has vacated the rental unit on July 9, 2013 and that an order of possession is no longer necessary. The Landlord seeks a monetary order for \$2,525.00. This consists of unpaid rent of \$1,215.00 for June, parking fees of \$45.00 for June, late rent fees of \$25.00 for June, unpaid rent/loss of rental income for July \$1,215.00 and a late rent fee of \$25.00 for July.

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 issued for unpaid rent dated June 7, 2013 by posting it to the rental unit door. The Tenant did not pay the rent or vacate the rental unit within the allowed time frame. The Tenant did not file for dispute resolution to dispute the notice. The Tenant is conclusively presumed to have accepted that the Tenancy was at an end.

I find based upon the undisputed testimony of the Landlord that a monetary claim for \$2,525.00 has been established. The Landlord is also entitled to recovery of the filing fee. I order that the Landlord retain the \$607.50 security deposit in partial satisfaction of the claim and I grant a monetary order for \$1,967.50 for the balance due. 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 has withdrawn the request for an order of possession.
The Landlord is granted a monetary order for \$1,967.50.
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 26, 2013

Residential Tenancy Branch