



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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 or utilities, for money owed or compensation for damage or loss, to keep all or part of a security deposit and recovery of the filing fee.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenants did not attend or submit any documentary evidence. The Landlord states that the Tenants were served with the notice of hearing package and the submitted documentary evidence on June 21, 2013 in person. I accept the undisputed testimony of the Landlord and find that the Tenants 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

The Landlord states that the Tenancy started on April 30, 2013 when they moved in. The submitted signed tenancy agreement states that the Tenancy began on April 24, 2013 for 1 year ending on April 30, 2013. The monthly rent is \$1,300.00 payable on the 1st of each month and a security deposit of \$650.00 was paid.

The Landlord clarified that the Tenancy was to begin on May 1, 2013 and that she gave the keys to the Tenant on April 29, 2013 to move in early. The Landlord also stated that the term on the tenancy was for 1 year and that it was a typo on the tenancy agreement.

The Landlord states that the Tenants were served with a 10 day notice to end tenancy issued for unpaid rent dated June 11, 2013 which was served in person on the same date. The notice states that \$1,515.00 was due on June 3, 2013 and was not paid. The notice shows an effective date of June 21, 2013.

The Landlord seeks an order of possession and a monetary order for unpaid rent for \$1,300.00 for June 2013, \$1,300.00 for July 2013 and \$228.00 in utilities. The Landlord states that no payments have been received by the Tenants since the 10 day notice to end tenancy dated June 11, 2013 was served. The Landlord has submitted copies of a letter to the Tenants for a demand for utility payments, a BC Hydro invoice, Fortis BC invoices and relies on a copy of the addendum of conditions signed by both parties referring to utility payments and the sharing.

Analysis

I accept the undisputed testimony of the Landlord that the Tenants have been served with the 10 day notice to end tenancy issued for unpaid rent dated June 11, 2013. The Tenants have failed to pay the amount owing within the allowed time frame and have not filed an application for dispute resolution to dispute the notice. The Tenants are conclusively presumed to have accepted that the Tenancy is at an end. The Landlord is granted an order of possession. The order must be served on the Tenants. Should the Tenants fail to comply, 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 that the Landlord has established a claim for unpaid rent of \$1,300.00 for June and \$1,300.00 for July of 2013 based upon the undisputed testimony of the Landlord. The Landlord has also established a monetary claim for \$228.00 in utilities based upon the undisputed testimony of the Landlord. The Landlord is also entitled to recovery of the \$50.00 filing fee. I order that the Landlord retain the \$650.00 security deposit in partial satisfaction of the claim and I grant a monetary order for the balance due of \$2,228.00. 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 \$2,228.00. 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