



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Affordable Housing Advisory Association
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 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 on July 12, 2013 by Canada Post Registered Mail. The Landlord has submitted a copy of the Canada Post Registered Mail Customer Receipt Tracking number as confirmation.

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 November 1, 2009 on a month to month basis as shown by the submitted copy of the signed tenancy agreement. The current monthly rent is \$955.00 and a security deposit of \$438.00 was paid on February 7, 2007.

The Landlord states that the Tenant was served with a 10 day notice to end tenancy issued for unpaid rent dated July 2, 2013 by posting it to the rental unit door. The Landlord has provided a proof of service document which states that it was witnessed

as being served in this manner on July 2, 2013. The notice states that rent of \$955.00 was due on July 1, 2013 which was not paid. The notice also shows an effective date of July 12, 2013.

The Landlord stated during the hearing that the Tenants vacated the rental unit on August 6, 2013 and that an order of possession was no longer required. The Landlord seeks a monetary order for \$955.00 for the unpaid rent for July 2013.

Analysis

I accept the undisputed testimony of the Landlord and find that the Tenant has been served with the 10 day notice to end tenancy issued for unpaid rent dated July 2, 2013. The Landlord stated in her direct testimony that no rent has been paid and that the Tenant vacated the rental unit on August 6, 2013. The Tenant did not pay the amount owed and did not make an application for dispute resolution to dispute the notice. The Landlord has established a monetary claim for \$955.00 in unpaid rent. The Landlord is also entitled to recovery of the \$50.00 filing fee. I order that the Landlord retain the \$438.00 security deposit and the \$12.55 in accrued interest in partial satisfaction of the claim and I grant a monetary order for \$554.45. 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 a monetary order for \$554.45.
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: August 14, 2013

Residential Tenancy Branch

