



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Decker Residence Ltd.: DBA: Decker Residence  
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.

Both parties attended the hearing by conference call and gave testimony. The Tenant confirmed receiving the notice of hearing package and the Landlord's submitted documentary evidence. The Tenant did not submit any 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

This Tenancy began on January 1, 2010 on a fixed term tenancy ending on December 31, 2010 and then thereafter on a month to month basis as shown by the submitted copy of the signed tenancy agreement. A security deposit of \$212.50 was paid.

The Landlord states that the Tenant was served with a 10 day notice for unpaid rent dated July 2, 2013. The notice states that \$2,450.00 in rent was due on July 1, 2013 which was unpaid. The notice shows an effect date of July 12, 2013.

The Landlord seeks an order of possession and a monetary order for \$2,875.00 for unpaid rent as of the hearing date.

The Tenant has confirmed that he received the 10 day notice to end tenancy for unpaid rent and that he is in rent arrears as applied for by the Landlord.

### Analysis

I accept the undisputed testimony of the Landlord and find that the Landlord has established a claim for unpaid rent of \$2,875.00. The Tenant has confirmed in his direct testimony that rent was owed because of personal difficulties regarding his finances. The Landlord is granted an order of possession. The order must be served upon the Tenant. 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 that the Tenant has failed to pay rent and is in arrears for \$2,875.00. The Landlord is also entitled to recovery of the \$50.00 filing fee. I order that the Landlord retain the \$212.50 security deposit in partial satisfaction of the claim and I grant a monetary order for \$2,712.50. 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 \$2,712.50. 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: August 22, 2013

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Residential Tenancy Branch

