



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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 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 by Canada Post Registered Mail on July 22, 2013. The Landlord has provided in his direct testimony the Canada Post Registered Mail Customer Receipt Tracking number as confirmation.

During the hearing, the Landlord also clarified that there was a clerical error to his name that his first and last names on the application were reversed as B.M. instead of M.B. The application and subsequent documents shall be amended.

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 March 1, 2013 on a fixed term tenancy for 6 months as shown by the submitted copy of the signed tenancy agreement. The monthly rent is \$1,000.00 and a security deposit of \$500.00 was paid.

The Landlord states that a 10 day notice to end tenancy for unpaid rent dated July 7, 2013 was served on the Tenant by posting it to the rental unit door. The Landlord has submitted a copy of the proof of service document that confirms service in this manner with a witness on July 7, 2013. The notice shows the amount of \$1,000.00 was due on July 1, 2013 was due and that the effective date of the notice was July 17, 2013.

The Landlord states that since serving this notice, the Tenant still occupies the rental unit as of the date of this hearing and has also failed to pay rent for August 2013. The Landlord seeks an order of possession and a monetary claim of \$2,000.00 for unpaid rent for July (\$1,000.00) and August (\$1,000.00).

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 July 7, 2013. The Tenant has failed to pay the amount owed and has not filed for dispute resolution to dispute the notice. The Tenant is conclusively presumed to have accepted that the Tenancy is at an end. The Landlord is granted an order of possession. This 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 of \$2,000.00, I find based upon the undisputed evidence that the Tenant has failed to pay the rent owed and is still occupying the rental unit. The Landlord is entitled to a monetary claim of \$2,000.00. The Landlord is also entitled to recovery of the \$50.00 filing fee. I order that the Landlord retain the \$500.00 security deposit in partial satisfaction of the claim and I grant a monetary order under section for the balance due of \$1,550.00. 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 \$1,550.00. 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: August 09, 2013

Residential Tenancy Branch

