



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 and/or utilities, 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 by Canada Post Registered Mail on August 2, 2013 and has provided in his direct testimony the Customer Receipt Tracking number as confirmation.

The Landlord clarified at the beginning of the hearing that the Tenant had vacated the rental unit on August 17, 2013 and that an order of possession was no longer required. As such, no further action is required for this portion of the application.

Issue(s) to be Decided

Is the Landlord entitled to a monetary order?

Is the Landlord entitled to retain the security deposit?

Background and Evidence

This Tenancy began on June 1, 2013 on a month to month basis as shown by the submitted copy of the signed tenancy agreement. The monthly rent is \$950.00 payable on the 1st of each month and the Tenant is responsible for 60% of the hydro. The Landlord stated in his direct testimony that the Tenant had paid a \$475.00 security deposit.

The Landlord states that the Tenant was served with a 10 day notice to end tenancy for unpaid rent of \$950.00 that was due on July 1, 2013 and utilities of \$150.00 that was due after written demand was made on July 1, 2013. The notice dated July 9, 2013 was served in person on July 9, 2013 and that the stated effective date was July 14, 2013.

The Landlord now seeks a monetary claim of \$150.00 for utilities for June, \$950.00 for July rent, \$150.00 for July utilities, \$950.00 for August rent and \$150.00 for August utilities totalling, \$2,350.00.

Analysis

I accept the undisputed testimony of the Landlord and find that a 10 day notice to end tenancy for unpaid rent and utilities was served upon the Tenant on July 9, 2013 in person. The Tenant did not pay the owed amount nor did the Tenant file an application for dispute resolution to dispute the notice. The Landlord has established a claim for \$2,350.00 for unpaid rent and utilities. The Landlord is also entitled to recovery of the \$50.00 filing fee. I order that the Landlord retain the \$475.00 security deposit in partial satisfaction of the claim and I grant a monetary order for the balance due of \$1,875.00. 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 a monetary order for \$1,875.00.
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 20, 2013

Residential Tenancy Branch

