



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, OPB, MNR, MNSD, FF, O

Introduction

This is an application filed by the Landlord for an order of possession and a monetary order for unpaid rent, a monetary claim for unpaid rent and utilities, 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 submitted documentary evidence by Canada Post Registered Mail on August 1, 2013. The Landlord stated that the package was unclaimed and returned to her by Canada Post on August 20, 2013. The Landlord has submitted copies on the Customer Tracking Receipt and the online printout of the tracking history as confirmation. I accept the undisputed testimony of the Landlord and find that the Tenant has been properly served.

The Landlord has also clarified that it was discovered that the Tenant vacated the rental unit on September 1, 2013 without any notification. As such, the Landlord is withdrawing her request for an order of possession as of September 1, 2013 the Landlord is in possession of the rental unit. No further action is required for this portion of the claim.

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 May 1, 2010 on a fixed term tenancy ending on April 30, 2011 and then thereafter on a month to month basis as shown by the submitted copy of the signed tenancy agreement. The monthly rent was \$1,200.00 payable on the 1st of each month and a security deposit of \$600.00 was paid on April 16, 2010.

The Landlord states that the Tenant was in arrears and failed to pay rent for July and August of 2013. The Landlord served the Tenant with a 10 day notice to end tenancy issued for unpaid rent dated July 16, 2013 by Canada Post Registered Mail. The Landlord has submitted a copy of the Customer Tracking Receipt as confirmation. The notice states that the Tenant failed to pay rent of \$800.00 that was due on July 1, 2013. The stated effective date of the notice is July 31, 2013. The Landlord stated that the Tenant failed to pay the amount owed within the allowed time frame. The Landlord stated that \$800.00 was paid on August 2, 2013 for the July arrears.

The Landlord seeks a monetary claim for \$1,200.00 for August 2013 rent, \$178.45 for City of Kelowna utilities owed (as of July 11, 2013), FortisBC bills for \$3.62(June), \$13.90 (July) and \$11.79(August), totalling \$1,407.76. The Landlord has submitted copies of the 10 day notice to end tenancy for unpaid rent, the letter from the City of Kelowna for past due utilities and her direct testimony for FortisBC utilities that were paid by the Landlord.

Analysis

I accept the undisputed testimony of the Landlord and find that a monetary claim has been established based upon the evidence provided. The Landlord has established a monetary claim of \$1,407.76. The Landlord is also entitled to recovery of the \$50.00 filing fee. I order that the Landlord retain the \$600.00 security deposit in partial satisfaction of the claim and I grant a monetary order for the balance due of \$857.76. 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 \$857.76.
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: September 06, 2013

Residential Tenancy Branch

