



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Vancouver Eviction Services
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.

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 September 6, 2013. The Landlord has submitted a copy of the Customer Receipt Tracking number as confirmation.

Issue(s) to be Decided

Is the Landlord entitled to a monetary order?

Is the Landlord entitled to an order of possession?

Is the Landlord entitled to retain the security deposit?

Background and Evidence

The Landlord states that the Tenant was served with a 10 day notice to end tenancy issued for unpaid rent dated August 14, 2013 by posting it to the rental unit door. The notice states that \$2,000.00 in rent was due on August 1, 2013 which the Tenant failed to pay. The notice states an effective vacancy date of August 27, 2013. The Landlord has provided a proof of service document which states that on August 14, 2013 the 10 day notice to end tenancy dated August 14, 2013 was posted to the rental unit door.

The Landlord seeks an order of possession for unpaid rent and a monetary order for \$3,600.00 which consists of \$400.00 for June rent arrears, \$800.00 for July rent unpaid and \$800.00 for August rent unpaid. The Landlord also seeks \$1,600.00 in loss of rental income for September \$800.00 and October \$800.00. The Landlord clarified that the Tenant's rent was reduced from \$900.00 to \$800.00 and seeks to retain the \$450.00

security deposit currently held. The Landlord also states that the Tenant currently occupies the rental unit and has not paid any rent since service of the 10 day notice. The Landlord also stated that the Tenant has not filed any applications to dispute the notice.

Analysis

Based upon the submitted documentary evidence and the direct testimony of the Landlord that a claim has been established that Tenant has failed to pay rent. The Landlord has provided sufficient evidence to satisfy me that a 10 day notice to end tenancy issued for unpaid rent dated August 14, 2013 was served on the Tenant by posting it to the rental unit door. The Tenant did not pay the amount due or file an application 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.

As for the monetary claim, I find based upon the undisputed testimony and the submitted documentary evidence that a monetary claim for \$3,600.00 has been established for the unpaid rent and the loss of rental income as the Tenant is still occupying the rental unit. The Landlord is also entitled to recovery of the \$50.00 filing fee. I order that the Landlord retain the \$450.00 security deposit in partial satisfaction of the claim and I grant a monetary order for \$3,200.00 for the balance due. 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 \$3,200.00. 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: October 10, 2013

Residential Tenancy Branch

