



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Metro Vancouver Housing Corporation
and [tenant name suppressed to protect privacy]

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 Tenants did not attend or submit any documentary evidence. The Landlord states that the Tenants were served with the notice of hearing package and the submitted documentary evidence by Canada Post Registered Mail on September 17, 2013 and have submitted copies of the Customer Receipt Tracking numbers as confirmation. I accept the undisputed evidence of the Landlord and find that the Tenants have been properly served.

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 June 1, 2009 on a month to month basis as shown by the submitted copy of the signed tenancy agreement. A security deposit of \$525.00 was paid on April 14, 2009.

The Landlord states that the Tenants were served with a 10 day notice to end tenancy issued for unpaid rent dated August 13, 2013 in person on the same date. The notice states that rent of \$625.00 (which consists of \$600.00 in rent due on August 1, 2013 and a \$25.00 NSF charge) were not paid. The notice also states an effective vacancy date of August 23, 2013.

The Landlord states that no rent has been paid since August 13, 2013 to the date of this hearing. The Landlord seeks an order of possession and a monetary order for unpaid rent of \$1,875.00. This consists of unpaid rent of \$600.00 for August, \$25.00 NSF charge, \$600.00 for September, \$25.00 for NSF charge, October rent of \$600.00 and \$25.00 for an NSF charge. The Landlord clarified that the NSF charges were from monthly authorized withdrawals that were denied.

Analysis

I accept the undisputed testimony of the Landlord and find that the Tenants were properly served with the 10 day notice to end tenancy issued for unpaid rent dated August 13, 2013. The Tenants did not pay the rent within the allowed time frame and did not file an application for dispute resolution to dispute the notice. The Tenants are conclusively presumed to have accepted that the tenancy was at an end. The Landlord has established grounds for an order of possession. The Landlord is granted an order of possession. The Tenants must be served with the order of possession. Should the Tenants 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 of the Landlord that no rent has been paid since the notice dated August 13, 2013. The Landlord has established grounds for a monetary claim for \$1,875.00. The Landlord is also entitled to recovery of the \$50.00 filing fee. I order that the Landlord retain the \$525.00 security deposit in partial satisfaction of the claim and I grant a monetary order for the balance due of \$1,400.00. 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 \$1,400.00.
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 25, 2013

Residential Tenancy Branch

