



# 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 by Canada Post Registered Mail on September 24, 2013 and has submitted a copy of the Customer Receipt Tracking number as confirmation.

At the beginning of the hearing, the Landlord clarified that the Tenant had vacated the rental unit and no longer requires an order of possession. 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 \$1,200.00 payable on the 31<sup>st</sup> of each month for the next month and a security deposit of \$600.00 was paid on May 24, 2013.

The Landlord states that a 10 day notice to end tenancy for unpaid rent dated September 8, 2013 was personally served upon the Tenants on September 8, 2013.

The Landlord has submitted a copy of a proof of service document which states that the Tenant received the notice and signed in acknowledgement in front of a witness on September 8, 2013. The notice states that rent of \$2,400.00 was due on August 1, 2013 which remains unpaid. The notice also states that \$157.00 + plus more in utilities were due after written demand to pay them was given on August 1, 2013. The notice states an effective date of September 18, 2013.

The Landlord seeks a monetary order for unpaid rent of \$3,750.00. This consists of unpaid rent for August, September and October of 2013, totalling \$3,600.00 and \$150.00 for utilities for the time period of June to September.

### Analysis

I accept the undisputed testimony of the Landlord and find that the Tenant was properly served with the 10 day notice to end tenancy issued for unpaid rent dated September 8, 2013. The Tenant having not filed for dispute resolution within the allowed timeframe is conclusively presumed to have accepted that the Tenancy was at an end. I find that the Landlord has established a monetary claim for unpaid rent and utilities totalling, \$3,750.00. 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 \$3,200.00. 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 \$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 24, 2013

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Residential Tenancy Branch

