



# 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, 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 24, 2013 and has provided a copy of the Customer Receipt tracking number as confirmation.

### 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 May 1, 2013 on a month to month basis as shown by the submitted copy of the signed tenancy agreement. The signed tenancy agreement also shows that this was a fixed term tenancy until May 1, 2014. The monthly rent is \$2,000.00 payable on the 1<sup>st</sup> of each month and a security deposit of \$1,000.00 was paid.

The Landlord states that the Tenant was served with a 10 day notice to end tenancy issued for unpaid rent dated August 1, 2013 in person. The notice states that rent of \$4,000.00 was due on July 1, 2013 which the Tenant failed to pay and \$4,000.00 in utilities that the Tenant failed to pay after written demand was given on August 1, 2013.

The Landlord states that the Tenant has already been evicted just prior to this hearing date with the help of bailiffs executing a writ of possession and no longer requires an order of possession. The Landlord seeks a monetary claim for unpaid rent for \$8,000.00 for unpaid rent for 4 months from July to October.

### Analysis

I find based upon the undisputed testimony that the Landlord has properly served the Tenant with a 10 day notice to end tenancy dated August 1, 2013 for unpaid rent by personal service. Based upon the undisputed testimony of the Landlord, I find that a monetary claim for unpaid rent (\$8,000.00) has been established. The Landlord is also entitled to recovery of the \$100.00 filing fee. I order that the Landlord retain the \$1,000.00 security deposit in partial satisfaction of the claim and I order a monetary order for \$7,100.00 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 a monetary order for \$7,100.00.  
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: November 01, 2013

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Residential Tenancy Branch

