



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Affordable Housing Charitable Association
and [t

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 deposits 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 both served with the notice of hearing package and the submitted documentary evidence by Canada Post Registered Mail on October 18, 2013 and have submitted copies of the Customer Receipt Tracking numbers 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 September 1, 2013 on a fixed term tenancy ending on November 30, 2013 as shown by the submitted copy of the signed tenancy agreement. The monthly market rent is \$1,500.00 and a security deposit of \$450.00 was paid on November 5, 2011. The Tenant's rent is based upon the Tenant's income and is currently \$421.00 per month payable on the 1st of each month.

The Landlord states that the Tenants were served with a 10 day notice to end tenancy issued for unpaid rent dated October 2, 2013 which states that the Tenant failed to pay rent of \$833.00 that was due on October 1, 2013. The notice displays an effective vacancy date of October 15, 2013. The Landlord has also submitted a copy of a proof of service document which states that the Tenants were served with the notice on October 2, 2013 by posting it to the rental unit door with a witness.

The Landlord seeks an order of possession and a monetary order for unpaid rent of \$1,254.00. This consists of \$833.00 for rent arrears and \$421.00 for unpaid rent for November. The Landlord also states that the Tenant has not filed an application to dispute the notice, nor have they made any efforts to pay any of the rent since the notice was issued.

Analysis

I accept the undisputed testimony of the Landlord and find based upon the unchallenged evidence that the Landlord has established a claim for an order of possession and a monetary order for unpaid rent. I find that the Tenants were served with a 10 day notice to end tenancy issued for unpaid rent on October 2, 2013. The Landlord has satisfied me that the Tenants have failed to pay the rent or file an application for dispute resolution to dispute the notice. The Tenants are conclusively presumed to have accepted that the Tenancy is at an end. The Landlord is granted an order of possession. The order must be served upon the Tenants. 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.

The Landlord has also established a monetary claim for unpaid rent of \$1,254.00. 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 the balance due of \$854.00. 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 \$854.00. 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 28, 2013

Residential Tenancy Branch

