Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Capilano Property Management Services Ltd.
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 October 25, 2013 and has provided a copy of the Customer Receipt Tracking number as confirmation.

The Landlord states that the Tenant is still occupying the rent and wishes to amend the monetary claim to include the entire monthly rent for December from the ½ months rent of $510.00 to $1,020.00 as such.

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 April 1, 2012 on a fixed term tenancy until March 31, 2013 and then thereafter on a month to month basis as shown by the submitted copy of the signed tenancy agreement. The monthly rent was $990.00 payable on the 1st of each

month which was then increased to $1,020.00 beginning April 1, 2013. A security deposit of $495.00 was paid.

The Landlord states that a 10 day notice to end the tenancy for unpaid rent dated October 10, 2013 was served upon the Tenant by posting it to the rental unit door on October 10, 2013 with a witness. The Landlord has submitted a copy of the proof of service document which confirms this. The notice states that $1,040.00 in rent was due on October 1, 2013 which was unpaid. The Landlord noted in his direct testimony that since the service of this notice that no rent has been paid and the Tenant still occupies the rental as of the date of this hearing. The notice also displays an effective date of October 18, 2013.

The Landlord seeks an order of possession and a monetary order for unpaid rent of $3,145.00. This consists of unpaid rent of $3,060.00 for 3 months (October, November and December), $25.00 late rent fee for October, $60.00 for parking (@$20.00 X 3 months.

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 on October 10, 2013 and has failed to pay the rent within the allowed timeframe or file an application for dispute resolution to dispute the notice. The Tenant is presumed to have accepted that the Tenancy is at an end. The Landlord is granted an order of possession. The Tenant must be served with the order of possession. Should the Tenant 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 that the Tenant has failed to pay any rent since service of the 10 day notice was made on October 10, 2013 and is still occupying the rental unit. The Landlord has established a claim for $3,145.00. The Landlord is also entitled to recovery of the $50.00 filing fee. I order that the Landlord retain the $495.00 security deposit in partial satisfaction of the claim and I grant a monetary order for the balance due of $2,700.00.

Conclusion

The Landlord is granted an order of possession and a monetary order for $2,700.00. 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: December 05, 2013

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Residential Tenancy Branch