



Dispute Resolution Services

Page: 1

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 January 3, 2014 and has provided in his direct testimony the Customer Receipt Tracking numbers for all 3 of the Tenants.

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 15, 2013 on a month to month basis as shown by the submitted copy of the signed tenancy agreement. The monthly rent is \$700.00 payable on the 30th day of each month and a security deposit of \$350.00 was paid.

The Landlord states that the Tenants were served with a 10 day notice to end tenancy issued for unpaid rent dated December 16, 2013 by Canada Post Registered Mail on December 16, 2013 to the Tenants. The notice states that rent of \$700.00 was not paid when due on October 30, 2013. The displayed effective vacancy date is December 30, 2013.

The Landlord seeks an order of possession and a monetary order for unpaid rent of \$2,100.00 for unpaid rent.

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 December 16, 2013 by Canada Post Registered Mail as shown by the submitted copies of the Canada Post Customer Receipt Tracking numbers. The Landlord has established a claim for unpaid rent. The Tenants failed to pay the amount owed or 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 is granted an order of possession. The order of possession 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.

As for the monetary claim, I find based upon the undisputed testimony of the Landlord that a claim for \$2,100.00 in unpaid rent has been established. The Landlord is entitled to recovery of the \$50.00 filing fee. The claim made by the Landlord to retain the \$350.00 security deposit outright is dismissed. The Landlord has not proven any right to retain the security deposit. However, in offsetting the Landlord's claims, I order that the Landlord may retain the \$350.00 security deposit in partial satisfaction of the monetary claim and I grant a monetary order for \$1,800.00. 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 \$1,800.00. 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: January 17, 2014

Residential Tenancy Branch

