



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ET, OPR, MNR, MNDC, MNSD, FF

### Introduction

This is an application filed by the Landlord for an early end to the tenancy and to obtain an order of possession, 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.

Both parties attended the hearing by conference call and gave undisputed testimony. The Tenant has confirmed receiving the Landlord's notice of hearing package and the submitted documentary evidence and states that she has not submitted any documentary evidence for this hearing. As such, I am satisfied that both parties have been properly served.

It was clarified with the Landlord at the beginning of the hearing her application for an early end to the tenancy was being withdrawn. As such no further action is required for this portion of the application.

### 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

Both parties agreed that there is a signed tenancy agreement and that the monthly rent is \$800.00 payable on the 1<sup>st</sup> of each month and a security deposit of \$400.00 was paid.

Both parties confirmed in their direct testimony that the Landlord served the Tenant with a 10 day notice to end tenancy issued for unpaid rent dated December 13, 2013 was personally served to the Tenant. The notice states that the Tenant failed to pay rent of \$800.00 that was due on December 1, 2013. The notice also shows that the effective date of the end of tenancy is December 24, 2013. The Tenant confirmed in her direct testimony that all of the rent was not paid within the allowed timeframe. Both parties

agreed that the Tenant made multiple partial payments completing payment of the rent on December 27, 2013. The Tenant agrees with the Landlord that rent arrears as of the date of this hearing total, \$800.00 for January rent.

The Landlord seeks an order of possession and a monetary order for unpaid rent of \$800.00 and to keep all of the security deposit to offset this claim.

### Analysis

I accept the undisputed evidence of both parties and find that the Landlord has established a claim for an order of possession for unpaid rent. The Tenant stated in her direct testimony that she did not pay all of the rent within the allowed timeframe and did not file an application for dispute resolution to dispute the notice. The Tenant is conclusively presumed to have accepted that the tenancy was 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 based upon the undisputed testimony of both parties that rent arrears for January rent of \$800.00 is owed. The Landlord is also entitled to recovery of the \$50.00 filing fee. I order that the Landlord retain the \$400.00 security deposit in partial satisfaction of the claim and I grant a monetary order for \$450.00 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 an order of possession and a monetary order for \$450.00. 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

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Residential Tenancy Branch

