



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 or utilities, 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 December 31, 2013 and has provided in his direct testimony 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

The Landlord states that this Tenancy began on May 12, 2013 on a month to month basis. The monthly rent is \$950.00 payable on the 12th of each month and a security deposit of \$450.00 was paid.

The Landlord states that the Tenant was served with a 10 day notice to end tenancy issued for unpaid rent dated December 13, 2013 in person on the same date. The notice states that the Tenant failed to pay rent of \$950.00 that was due on December 12, 2013. The effective vacancy date is noted as December 23, 2013.

The Landlord states that the Tenant failed to pay the rent within the allowed timeframe nor has she filed an application for dispute resolution to dispute the notice. The Landlord states that the Tenant still occupies the rental unit.

The Landlord seeks an order of possession and a monetary order for \$1,900.00 which consists of unpaid rent of \$950.00 per month for December and January.

Analysis

I accept the undisputed evidence of the Landlord and find that grounds have been established for an order of possession and a monetary order. I find that the Tenant was properly served with the 10 day notice to end tenancy issued for unpaid rent dated December 13, 2013 in person on the same date. The Tenant failed to pay the amount owed nor did she 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 evidence of the Landlord that rent has been unpaid for December and January at \$950.00 per month. The Landlord has established a monetary claim for unpaid rent of \$1,900.00. The Landlord having been successful is 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 under section 67 for the balance due of \$1,500.00. 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 \$1,500.00.

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 16, 2014

Residential Tenancy Branch

