



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Kings Court Apartments
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, 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 by Canada Post Registered Mail on January 17, 2014 and has submitted a copy of 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

This Tenancy began on June 1, 2013 on a fixed term tenancy until May 31, 2014 as shown by the submitted copy of the signed tenancy agreement. The monthly rent is \$875.00 payable on the 1st of each month and a security deposit of \$387.50 was paid on May 17, 2013.

The Landlord states that the Tenant was served with the 10 day notice to end tenancy issued for unpaid rent dated January 2, 2014 by posting it to the rental unit door on January 2, 2014 with a witness. The Landlord has submitted a copy of a proof of service document in support of this claim. The notice states that rent of \$647.50 and a \$20.00 late fee was due on January 1, 2014 that was not paid. The notice also states an effective end of tenancy date of January 15, 2014.

The Landlord states that as of a few days before the hearing the Tenant was still in possession of the rental unit, have not returned any keys and have failed to pay any rent since the 10 day notice dated January 2, 2014 was served. The Landlord seeks an order of possession and a monetary order for \$1,562.50 for unpaid rent and late rent charges.

Analysis

I find that the Landlord has properly served the Tenant with a 10 day notice to end tenancy issued for unpaid rent dated January 2, 2014. I accept the undisputed evidence of the Landlord and find that grounds to obtain an order of possession for unpaid rent have been established. The Tenant has failed to pay the owed rent within the allowed timeframe as per the notice and still occupies the rental unit. 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 a monetary claim of \$1,522.50 for unpaid rent and \$40.00 for 2 late rent fees has been established. The Landlord is also entitled to recovery of the \$50.00 filing fee. I order that the Landlord retain the \$387.50 security deposit in partial satisfaction of the claim and I grant a monetary order under section 67 of the Act for \$1,225.00 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 \$1,225.00. 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: March 05, 2014

Residential Tenancy Branch

