



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Parkview Apartments Inc.  
and [tenant name suppressed to protect privacy]

## **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.

Both parties have attended the hearing by conference call and gave undisputed testimony. As both parties have attended and have confirmed receipt of the notice of hearing package, I am satisfied that both parties have been properly served with the notice of hearing package and the submitted documentary evidence.

At the beginning of the hearing, the landlord stated that the tenant has made several late rent payments and as of the date of this hearing is in arrears for \$2,250.00. The tenant confirmed this in her direct testimony.

### 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 started on May 1, 2013 on a month to month basis as shown by the submitted copy of the signed tenancy agreement. The monthly rent is \$750.00 payable on the 1<sup>st</sup> of each month and a security deposit of \$375.00 was paid.

The landlord states that the tenant was served with a 10 day notice to end tenancy issued for unpaid rent dated February 5, 2014, which states that the tenant failed to pay rent of \$2,250.00 that was due on February 1, 2014. The notice also states an effective end of tenancy date of February 15, 2014. The landlord states that the notice was

served to the tenant by posting it to the rental unit door on February 5, 2014. The tenant confirmed the service of the notice in this manner and that rent was in arrears.

The landlord seeks an order of possession and a monetary order for unpaid rent for \$2,250.00. The tenant stated that she is not disputing the landlord's claims.

### Analysis

I accept the undisputed testimony of both parties and find that the landlord has established grounds for an order of possession and a monetary order for unpaid rent. The tenant has confirmed in her direct testimony that she was served with the 10 day notice dated February 5, 2014 by the landlord posting it to the rental unit door on the same date. The tenant acknowledged that rent was not paid and that it is currently in arrears for \$2,250.00. The landlord is granted an order of possession. The order must be served upon the tenant. 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.

The landlord is also entitled to recovery of the \$50.00 filing fee. I order that the landlord retain the \$375.00 security deposit in partial satisfaction of the claim and I grant a monetary order under section 67 for the balance due of \$1,925.00. 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 \$1,925.00. 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: April 09, 2014

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Residential Tenancy Branch

