



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Aldergrove Kinsmen Housing Society
and [tenant name supp

ressed to protect privacy]

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, 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 tenants were served with the notice of hearing package and the submitted documentary evidence by Canada Post Registered Mail on March 25, 2014. The landlord has provided a copy of the Canada Post Customer Receipt and Tracking number as confirmation.

At the outset of the hearing the landlord stated that the tenant has vacated the rental unit. The landlord was informed by one of the neighbors that the tenant had vacated the rental unit on May 11, 2014 and that another neighbor has returned the rental unit keys to the landlord on May 1, 2014 stating that the tenants had vacated. The landlord has confirmed that they now have possession of the rental unit and no longer require an order of possession. As such, no further action is required for this portion of the claim.

The landlord seeks to amend the monetary claim by lowering the amount from \$3,799.00 to \$3,385.00. The landlord clarified that the tenants qualified for a rent subsidy from BC Housing and that the rent amount is lowered as such.

Issue(s) to be Decided

Is the landlord entitled to a monetary order?
Is the landlord entitled to retain the security deposit?

Background and Evidence

This tenancy began on February 1, 2013⁴ on a month to month basis as shown by the submitted copy of the signed tenancy agreement dated February 7, 2013. The monthly rent is 1,100.00 payable on the 1st of each month and a security deposit of \$500.00 was paid.

The landlord states that the tenants were served with a 10 day notice to end tenancy issued for unpaid rent dated March 3, 2014 by placing the notice in the tenant's mailbox. The landlord states that the notice states that the tenants failed to pay rent of \$3,799.00 that was due on March 1, 2014 and displays an effective end of tenancy date of March 16, 2014. The landlord stated that no payments have been made since this notice was served.

The landlord seeks an amended monetary claim of \$3,385.00 for rent and to retain the \$500.00 security deposit to offset that amount.

Analysis

I accept the undisputed testimony of the landlord and find that a claim has been established for rent arrears of \$3,385.00. I am satisfied based upon the undisputed testimony that the landlord has properly served the tenants with the 10 day notice to end tenancy issued for unpaid rent dated March 3, 2014 by placing it in the tenant's mailbox. The tenants failed to pay the rent owed within the allowed timeframe nor did they file an application for dispute resolution to dispute the notice. The tenants are deemed to have accepted that the tenancy was at an end.

As for the monetary claim, I find based upon the submitted documentary evidence and the landlord's undisputed direct testimony that an amended monetary claim of \$3,385.00 has been established. The landlord is also entitled to recovery of the \$50.00 filing fee. I order that the landlord retain the \$500.00 security deposit in partial satisfaction of the claim and I grant a monetary order under section 67 for the balance due of \$2,935.00. 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 a monetary order for \$2,935.00.
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: May 09, 2014

Residential Tenancy Branch

