



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, 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 May 2, 2014. The landlord has provided in her direct testimony the Canada Post Registered Mail Customer Receipt Tracking number and confirmed that the package after attempted service was returned unclaimed by the tenant. The landlord stated that they shared a mailbox.

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 stated in her direct testimony that monthly rent was \$660.00 and that a security deposit of \$350.00 was collected. The landlord clarified that monthly rent was \$700.00 at the beginning of the tenancy before being reduced because of a restriction of services. The landlord states that monthly rent is due on the 15th day of each month.

The landlord states that the tenant was served with a 10 day notice to end tenancy issued for unpaid rent dated April 17, 2014 which states that rent of \$660.00 was not paid when due on April 15, 2014. The landlord states that the notice was served by posting it on the rental unit door on April 17, 2014 which was witnessed by a neighbor.

The landlord seeks an order of possession and a monetary order for unpaid rent of \$1,980.00. The landlord states that since the notice was served on April 17, 2014 that the tenant still occupies the rental and has not paid any rent. The landlord states that the claim is for unpaid rent of \$660.00 for 3 months (April, May and June).

Analysis

I accept the undisputed testimony of the landlord and find that the tenant was properly served with the 10 day notice to end tenancy issued for unpaid rent. The tenant has not paid the amount owed or any subsequent rent, nor has the tenant filed 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 a claim has been established for unpaid rent of \$1,980.00 for 3 months. The landlord is entitled to recovery of the \$50.00 filing fee. I order that the landlord retain the \$350.00 security deposit in partial satisfaction of the claim and I grant a monetary order under section 67 for the balance due of \$1,680.00. 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 \$1,680.00. 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: June 03, 2014

Residential Tenancy Branch

