



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CAPRET
and [tenant name suppressed 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 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 May 15, 2014 and has provided 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 January 1, 2014 on a fixed term tenancy ending on December 31, 2014 as shown by the submitted copy of the signed tenancy agreement. The monthly rent is \$730.00 payable on the 1st of each month and a security deposit of \$365.00 was paid.

The landlord states that the tenant was served with a 10 day notice to end tenancy issued for unpaid rent dated May 2, 2014 by posting it to the rental unit door on the same date. The notice states that the tenant failed to pay rent of \$660.85 that was due on May 1, 2014.

The landlord states that the tenant has made sporadic partial rent payments of 4 times between May, June and July leaving an outstanding balance of \$770.33.

The landlord seeks an order of possession and a monetary order for unpaid rent of \$770.33.

Analysis

I accept the undisputed testimony of the landlord and find that the tenant has been properly served with the 10 day notice to end tenancy issued for unpaid rent dated May 2, 2014 on the same date by posting it to the rental unit door. The tenant has failed to pay the rent owed within the allowed time frame. The landlord has established a claim for an order of possession. 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 for \$770.33 in unpaid rent has been established. The landlord is also entitled to recovery of the \$50.00 filing fee. I order that the landlord retain the \$365.00 security deposit in partial satisfaction and I grant a monetary order for \$455.33. 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 \$455.33. 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: July 08, 2014

Residential Tenancy Branch

