



# Dispute Resolution Services

Page: 1

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's agent 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 September 23, 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 December 1, 2013 on a fixed term tenancy ending on November 30, 2014 as shown by the submitted copy of the signed tenancy agreement. The monthly rent is \$4,500.00 payable on the 1<sup>st</sup> of each month and a security deposit of \$2,250.00 was paid on December 1, 2013.

The landlord states that the tenant failed to pay rent from April 1, 2014 to September 15, 2014 for rent owing on 5 ½ months totalling, \$24,750.00. The landlord states that a 10 day notice to end tenancy was served by Canada Post Registered Mail on May 2, 2014 which was unclaimed and returned to the sender on May 23, 2014. The notice states that the tenant failed to pay rent of \$4,500.00 that was due on April 1, 2014. The

landlord states that since this notice was served the landlord has obtained an order of possession for this tenancy as a result of a separate dispute resolution hearing. As such, the landlord withdraws his application for an order of possession as no further action is required for this portion of the application. The landlord also states that the tenant has not paid any rent since the notice was served and that the tenant has vacated the rental unit on September 30, 2014.

### Analysis

I accept the undisputed testimony of the landlord and find that the landlord has established a claim for unpaid rent. I am satisfied that the tenant was properly served with the 10 day notice to end tenancy issued for unpaid rent dated May 2, 2014 and that no rent has been paid from April 1, 2014 to September 30, 2014 when the tenancy ended. The landlord's claim of \$4,500.00 per month for 5 ½ months, totals, \$24,750.00. The landlord is also entitled to recovery of the \$100.00 filing fee. I order that the landlord retain the \$2,250.00 security deposit in partial satisfaction of the claim and I grant a monetary order under section 67 of the Act for the balance due of \$22,600.00. 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 \$22,600.00.  
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: November 04, 2014

---

Residential Tenancy Branch

