



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding OTBEC Property Management Inc.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, OPB, MNR, MNSD, FF

Introduction

This is an application filed by the landlord for an order of possession as a result of a notice to end tenancy issued for paid rent, has breached an agreement made with the landlord, a monetary order for unpaid rent or utilities, 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 by Canada Post Registered Mail on January 7, 2015 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 October 1, 2011 on a month to month basis as shown by the submitted copy of the signed tenancy agreement dated October 7, 2011. The monthly rent is currently \$940.45 as shown by the submitted copies of the signed notices of rent increase. A security deposit of \$425.00 was paid on October 6, 2011.

The landlord states that the tenant has failed to pay rent for December 2014 that was due on the first of the month. The landlord states that the tenant was served with a 10 day notice to end tenancy for unpaid rent dated December 5, 2014. The notice states that the tenant failed to pay rent of \$940.45 that was due on December 1, 2014 and an effective end of tenancy date of December 18, 2014 and that the notice was posted to the rental unit door on December 5, 2014. The landlord states that since the 10 day notice dated December 5, 2014 was served that no rent has been paid by the tenant and that the tenant still occupies the rental unit.

The landlord seeks an order of possession and a monetary order for unpaid rent for \$1,940.90, consisting of unpaid rent of \$940.45 for December and \$940.45 for January and \$25.00 for 2 late rent fees for each month.

Analysis

I accept the undisputed evidence of the landlord and find that the tenant has been properly served with a 10 day notice to end tenancy issued for unpaid rent dated December 5, 2014 as per the copy of the proof of service document dated December 5, 2014. The tenant has failed to pay all of the rent owed 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 is 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 that the landlord has established that the tenant has failed to pay rent for December and January while still occupying the rental unit of \$1,880.90. The landlord has also established a claim for late rent fees totalling, \$50.00 (@ \$25.00 for 2 months). The landlord has established a total monetary claim of \$1,930.90. The landlord is also entitled to recovery of the \$50.00 filing fee. I order that the landlord retain the \$425.00 security deposit and grant a monetary order to the landlord under section 67 for the balance due of \$1,555.90. 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 \$1,555.90.
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: January 20, 2015

Residential Tenancy Branch

