



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD

Introduction

This is an application filed by the Landlord for an order of possession and monetary order for unpaid rent or utilities and to keep all or part of the security deposit.

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 November 19, 2013. The Landlord provided the Customer Receipt Tracking number in his direct testimony as confirmation. I accept the undisputed testimony of the Landlord and find that both parties have been properly served with the notice of hearing package and the submitted documentary evidence as per the Act.

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 states in his direct testimony that this tenancy began on July 1, 2013 as per a signed tenancy agreement. The monthly rent is \$790.00 payable on the 1st of each month and a security deposit of \$395.00 was paid.

The Landlord states that the Tenant was served with a 10 day notice to end tenancy issued for unpaid rent dated November 1, 2013 which was posted to the rental unit door on November 2, 2013 with a witness. The Landlord has submitted a copy of the 10 day notice and a proof of service document as confirmation. The notice displays an effective date to end the tenancy of November 11, 2013. The notice states that rent of \$790.00 was not paid when due on November 1, 2013. The Landlord states that the

Tenant made a partial rent payment of \$360.00 on November 1, 2013, but as of the date of this hearing still occupies the rental unit and has not paid any further rent.

The Landlord seeks an order of possession and a monetary order for \$2,010.00 for unpaid rent.

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 for unpaid rent dated November 1, 2013. The Tenant failed to pay all of the rent owed or apply for dispute resolution to dispute the notice. The Tenant still occupies the rental unit as of the date of this hearing. The Tenant having failed to pay all of the rent owed or file an application for dispute resolution within the allowed timeframe is conclusively presumed to have accepted that the tenancy is at an end. The Landlord is granted an order of possession. This order must be served upon the Tenant. 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 testimony of the Landlord that a monetary claim has been established for unpaid rent of \$2,010.00. This consists of rent arrears of \$430.00 for November, \$790.00 for December and \$790.00 for January. I order that the Landlord retain the \$395.00 security deposit in partial satisfaction of this claim and I grant a monetary order for \$1,615.00 for the balance due. 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 \$1,615.00.

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 09, 2014

Residential Tenancy Branch

