



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards  
Ministry of Housing and Social Development

## **DECISION**

**Codes:** MNDC, MNR, MNSD, OPR, FF

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. Despite having been served with the application for dispute resolution and notice of hearing by a posting on the tenant's door on September 3, 2008, the tenant did not participate in the conference call hearing.

At the outset of the hearing, the landlord withdrew her application for an order of possession and an order to retain the security deposit.

On December 1, 2005, the tenancy began. Rent in the amount of \$916.00 is payable in advance on the first day of each month. The tenant failed to pay a balance of \$64.92 for the August rent and the entire amount of September rent of \$916.00 and on September 3, the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant further failed to pay rent in the month of October.

On September 5, the tenant paid the outstanding rent for September in the amount of \$916.00 but failed to pay the outstanding rent for August in the amount of \$64.92. On October 2, the tenant paid a partial rent for October in the amount of \$912.00. The landlord is therefore seeking to recover from the tenant outstanding rent for August in the amount of \$64.92 and outstanding rent for October in the amount of \$4.00.

The landlord is also claiming for \$25.00 late payment charges for each of the months of September and October. During the hearing, the landlord referred me to Section Q of Schedule A of the tenancy agreement which states the applicability of late payment charges in this tenancy.

Based on all of the above, I find that the landlord has established a total claim of

\$118.92 comprised of \$68.92 in unpaid rent and \$50.00 late payment charges. The landlord is also entitled to recovery of the \$50.00 filing fee. I grant the landlord an order under section 67 for \$168.92. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated October 30, 2008.