



# Dispute Resolution Services

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

## Decision

Dispute Codes: OPR, MNR, FF

## Introduction

This matter dealt with an application by the Landlord for an Order of Possession and a Monetary Order for unpaid rent as well as to recover the filing fee for this proceeding. At the beginning of the hearing the Landlord abandoned her application for an order of possession.

The Landlord served the Tenant in person on January 20, 2009 with a copy of the Application and Notice of Hearing in this matter. I find that the Tenant was properly served pursuant to s. 89 of the Act with the Notice of Hearing and the hearing proceeded in her absence.

## Issue(s) to be Decided

1. Are there arrears of rent and if so, how much?

## Background and Evidence

This tenancy started on December 1, 2004. Rent is \$766.00 per month payable in advance on the last day of each month. The Landlord said the Tenant did not pay January, 2009 rent when due and as a result, she served the Tenant with a 10 Day Notice for Unpaid Rent and Utilities. In her application, the Landlord sought unpaid rent for January and February, 2009. The Landlord said the Tenant paid January rent on or about January 22, 2009 and paid February rent in two installments on the 16<sup>th</sup> and 19<sup>th</sup> of February. Consequently, the Landlord seeks a late payment fee of \$25.00 for each of January and February, 2009 (which she says has not been paid) as well as her \$50.00 filing fee for this proceeding.

## Analysis

Page 3 of the Parties' tenancy agreement provides for a \$25.00 late payment fee and as a result, I find pursuant to s. 7 of the Regulations to the Act that the Landlord is entitled to recover a late payment fee for January and February, 2009. I find that the

Tenant did not pay the rent arrears until after the Landlord filed her application, and as a result, the Landlord is also entitled pursuant to s. 72 of the Act to recover her \$50.00 filing fee for this proceeding.

### Conclusion

A Monetary Order in the amount of **\$100.00** has been issued to the Landlord and a copy of the Order must be served on the Tenant. If the amount is not paid by the Tenant, the Order may be filed in the Provincial (Small Claims) Court of British Columbia and enforced as an order of that court.