



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

Decision

Dispute Codes:

MNR, OPR, MNSD, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an Order of Possession based on the Notice to End Tenancy for Unpaid Rent dated February 5, 2009, a monetary order for rent owed and an order to retain the security deposit in partial satisfaction of the claim.

Although served with the Application for Dispute Resolution and Notice of Hearing by registered mail sent on March 5, 2009, the tenant did not appear.

The landlord advised at the outset that the tenant had vacated the unit at the end of March 2009 and therefore no Order of Possession is required.

Issue(s) to be Decided

The landlord was seeking a monetary order claiming unpaid rent of \$825.00 rent each month for February and, March 2009 and \$50.00 late fees owed by the tenant pursuant to the tenancy agreement.

The issues to be determined based on the testimony and the evidence is whether or not the landlord is entitled to monetary compensation for rental arrears owed, and late fees of \$25.00 per month.

Background and Evidence

The landlord submitted into evidence a copy of the 10-Day Notice to End Tenancy dated February 5, 2009 with effective date of February 15, 2009, a copy of the tenancy agreement, copies of communications, photographs and proof of

service. The landlord testified that the tenancy began in January 2008, and the tenant paid a security deposit of \$412.50. The landlord testified that the tenant failed to pay \$825.00 rent for the month of February 2009 and \$825.00 March 2009 amounting to a total of \$1,650.00. The landlord testified that under the tenancy agreement, the tenant also owes \$50.00 late fees for the same months. The landlord testified that the tenant finally vacated the unit on March 26, 2009.

Analysis

Based on the testimony of the landlord, I find that the tenant was served with a Notice to End Tenancy for Unpaid Rent by posting it on the door. The tenant has not paid the outstanding rent and did not apply to dispute the Notice. I find that the landlord is entitled to receive \$825.00 compensation rent for February 2009, \$825 rent for March 2009 and \$50.00 late fees, under terms of the tenancy agreement. I find that the landlord has established a total monetary claim of \$1,750.00 comprised of \$1,650.00 rental arrears, \$50.00 late fees and the \$50.00 fee paid by the landlord for this application. I order that the landlord retain the security deposit and interest of \$418.89 in partial satisfaction of the claim leaving a balance due of \$1,331.11.

Conclusion

I hereby grant the Landlord an order under section 67 for \$1,331.11. This order must be served on the Respondent and may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.

April 2009

Date of Decision

Dispute Resolution Officer