



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This matter dealt with an application by the Landlord for a monetary order for unpaid rent as well as to recover the filing fee for this proceeding. The Landlord claimed that the Tenants moved out of the rental unit and therefore he abandoned his application for an Order of Possession.

The Landlord served the Tenants with a copy of the Application and Notice of Hearing on May 7, 2009 by registered mail which was addressed to the rental unit. According to the Canada Post online tracking system, a notification card was left for the Tenants however they did not pick up the hearing packages. I find the Tenants were served as required by s. 89 of the Act and the hearing proceeded in the Tenants' absence.

Issues(s) to be Decided

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

Background and Evidence

This fixed term tenancy started on December 1, 2008 and was to expire on November 30, 2009 however it ended on June 2, 2009 when the Tenants moved out. Rent was \$1,150.00 per month payable in advance on the 1st day of each month.

The Landlord said the Tenants are in arrears of rent for March, April and May, 2009. The Landlord also said that pursuant a term of the tenancy agreement addendum, the Tenants agreed to pay \$25.00 as a late payment fee and \$25.00 for each NSF cheque. The Landlord claims that the Tenants were late paying rent for January and February, 2009 and have not paid rent for March, April and May, 2009. The Landlord also claimed that the Tenants had 4 returned rent cheques. The Landlord admitted that he was not charged any bank fees as a result of those NSF cheques.

Analysis

In the absence of any evidence from the Tenants, I find that there are rent arrears of \$3,450.00. I also find that the Landlord is entitled to recover 5 late fees for a total of



Dispute Resolution Services

Page: 2

Residential Tenancy Branch
Ministry of Housing and Social Development

\$125.00. Section 7 of the Regulations to the Act sets out the non-refundable fees that can be charged by a Landlord and in particular it states that a Landlord can only recover the service fees actually charged by a financial institution for a returned cheque. As the Landlord was not charged service fees for the NSF cheques, he is not entitled to recover a \$25.00 fee for them. As the Landlord has been successful in this matter, however, he is entitled to recover his \$50.00 filing fee for this proceeding.

In summary, the Landlord is entitled to a monetary order as follows:

Unpaid rent:	\$3,450.00
Late Fees:	\$125.00
Filing Fee:	<u>\$50.00</u>
Total:	\$3,625.00

Conclusion

A monetary order in the amount of **\$3,625.00** has been issued to the Landlord and a copy of it must be served on the Tenants. If the amount is not paid by the Tenants, the order may be filed in the Provincial (Small Claims) Court of British Columbia and enforced as an order of that court.

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: June 10, 2009.

Dispute Resolution Officer