



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

MNR, MNSD, FF

Introduction

This hearing was scheduled in response to the Landlord's Application for Dispute Resolution, in which the Landlord has made application for a monetary Order for unpaid rent, fees and to recover the filing fee from the Tenant for the cost of this Application for Dispute Resolution.

The Agent for the Landlord stated that copies of the Application for Dispute Resolution and Notice of Hearing were personally served to the Tenant at the rental unit address on September 28, 2009 at approximately 1:00 pm. The Landlord testified that the tenant was served a copy of the tenancy agreement and NSF cheque notice from the bank.

These documents are deemed to have been served in accordance with section 89 of the *Act*, however the Tenant did not appear at the hearing.

Preliminary Matters

The Landlord's Application for Dispute Resolution was amended to correct the Tenant's name as it was reversed on the Application.

The evidence submitted to the Residential Tenancy Branch was not considered as this evidence was served to the Tenant's rental unit after she had moved.

The Landlord withdrew the request for an Order of possession as the Tenant gave proper Notice and moved out at the end of September 2009.

Issue(s) to be Decided

Is the landlord entitled to compensation for unpaid rent and fees?

Is the landlord entitled to filing fee costs?



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Background and Evidence

The tenancy agreement requires the Tenant to pay monthly rent of \$836.00.

The Landlord stated that the Tenant's September rent cheque was returned as NSF. The Landlord is requesting a late fee and NSF fee of \$25.00 each and compensation for September rent owed.

Analysis

In the absence of evidence to the contrary, I find that the Tenant has not paid rent in the amount of \$836.00 for September 2009, and that the Landlord is entitled to compensation in that amount. I find that the landlord is entitled to a late fee in the sum of \$25.00 and a NSF fee in the sum of \$25.00.

I find that the Landlords application has merit, and I find that the Landlord is entitled to recover the filing fee from the Tenant for the cost of this Application for Dispute Resolution.

Conclusion

I find that the Landlord has established a monetary claim, in the amount of \$936.00, which is comprised of \$836.00 in unpaid rent, \$50.00 late and NSF fees and \$50.00 in compensation for the filing fee paid by the Landlord for this Application for Dispute Resolution.

The Landlord has not applied to retain any deposit that may have been paid by the tenant. Any deposit paid is held in trust by the landlord and must be disbursed as determined by section 38 of the Act.

Based on these determinations I grant the Landlord a monetary Order for the balance of \$936.00. In the event that the Tenant does not comply with this Order, it may be served on the Tenant, filed with the Province of British Columbia Small Claims Court 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*.



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Dated: October 30, 2009.

Dispute Resolution Officer