

## **DECISION**

**Dispute Codes:** OPR, MNR, MNSD and FF

### **Introduction**

This application was brought by the landlord seeking an Order of Possession pursuant to a 10-day Notice to End Tenancy for unpaid rent served by posting on the tenant's door on January 5, 2010. The landlord also sought a Monetary Order for the unpaid rent and late fees recovery of the filing fee for this proceeding, and authorization to retain the security deposit in set off against the balance owed.

At the commence of the hearing, the landlord gave evidence that the tenant had paid the January rent on the 22<sup>nd</sup> of the month and withdrew her request for an Order of Possession. However, the landlord proceeded with the claim for late fees for the January rent and recovery of the filing fee for this proceeding.

Despite having been served with the Notice of Hearing served by registered mail sent on January 22, 2010, the tenant did not call in to the number provided to enable her participation in the telephone conference call hearing. Therefore, it proceeded in her absence.

### **Issues to be Decided**

This application requires a decision on whether the landlord is entitled to a Monetary Order for the late fee for January and recovery of the filing fee for this proceeding.

### **Background and Evidence**

This tenancy began on May 1, 2009 under a fixed term rental agreement to April 30, 2010. Rent is \$1,190 per month and the landlord holds a security deposit of \$595 paid on April 20, 2009. Under clause 3(a) of the rental agreement signed by the tenant on April 20, 2009, the tenant agrees to pay a \$20 fee if the rent is paid late.

### **Analysis**

I find that the rent for January 2010 was paid late and, as set out in the rental agreement, the tenant owes the \$20 late fee to the landlord. In addition as the late payment of rent caused the landlord to file this application, I find that the landlord is entitled to recover the \$50 filing fee from the tenant.

### **Conclusion**

Therefore, the landlord's copy of this decision is accompanied by a Monetary Order for \$70, enforceable through the Provincial Court of British Columbia, for service on the tenant.

March 4, 2010