



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

Decision

Dispute Codes:

OPR, MNR, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an Order of Possession and a monetary order for rental arrears based on a Ten Day Notice to End Tenancy for Unpaid Rent dated December 14, 2010. The landlord was also seeking late fees, bank charges and damages for loss of rent.

At the outset of the hearing, the landlord advised that the tenant vacated on December 31, 2010. Therefore the request for an Order of Possession is now moot.

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

Issue(s) to be Decided

The issue to be determined, based on the testimony and evidence, is whether or not the landlord is entitled to monetary compensation for rental arrears owed and damages.

Background and Evidence

The landlord testified that the tenancy began on July 1, 2010 with rent at \$975.00 and security deposit of \$480.00. The landlord testified that the tenant fell into arrears and was issued a Notice to End Tenancy.

The landlord provided a detailed ledger verifying the tenant's account, a copy of the Ten Day Notice to End Tenancy for Unpaid Rent, copies of the returned cheques, a copy of the tenancy agreement and proof of service.

The landlord was seeking a monetary order claiming 2 months accrued rental arrears in the amount of \$1,950.00 for November and December 2010. The landlord was also seeking \$975.00 loss of rent for January 2011 because the unit was not re-rented until February 2011. In addition the claim included two late payment fees of \$25.00 each,

two \$25.00 charges for NSF cheques for a total claim of \$3,025.00 plus the \$50.00 cost of filing.

Analysis

Based on the testimony of the landlord, I find that the tenant was served with a Notice to End Tenancy for Unpaid Rent. I find that the tenant has not paid the outstanding rent, nor did the tenant apply to dispute the Notice.

Given the above, I find that the landlord is entitled to a monetary award of \$3,075.00 comprised of rental arrears of \$1,950.00, \$100.00 for late fees and NSF bank charges pursuant to the terms of the tenancy agreement and \$975.00 for loss of rent for January 2011 and the \$50.00 fee paid by the landlord for this application.

I order that the landlord retain the security deposit of \$480.00 in partial satisfaction of the claim leaving a balance due of \$2,595.00.

Conclusion

I hereby grant the Landlord an order under section 67 for \$2,595.00. 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.

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: January 2011.

Residential Tenancy Branch