



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes: OPR, MNR, MNDC; FF

Introduction

This is the Landlord's application for an Order of Possession; a Monetary Order for unpaid rent and loss of rent and loss of revenue; and to recover the cost of the filing fee from the Landlord

The Landlord's agent gave affirmed testimony at the Hearing.

The Landlord's agent testified that the Notice to End Tenancy was posted on the door of the rental unit on February 2, 2011.

The Landlord's agent testified that she mailed each of the Tenants the Notice of Hearing documents, by registered mail, on February 24, 2011. The Landlord provided copies of the receipts and tracking numbers in evidence.

I accept the Landlord's agent's affirmed testimony that she served the Tenants with the Notice of Hearing Package in accordance with the provisions of Section 89(1)(c) of the Act. In spite of being served with the documents, the Tenants did not appear at today's Hearing and the Hearing proceeded in their absence.

Issue(s) to be Decided

- (1) Is the Landlord entitled to an Order of Possession?
- (2) Is the Landlord entitled to a monetary order for unpaid rent for the month of February and loss of revenue for the month of March, 2011?
- (3) Is the Landlord entitled to late fees in the amount of \$20.00?

Background and Evidence

Monthly rent is \$975.00, due on the first day of each month. The tenancy agreement includes a provision for fees of \$20.00 for late payment of rent.

At the outset of the Hearing, the Landlord's agent advised that the Tenants have made the following payments towards rent:

Date	Description	Owed	Paid	Balance
Feb 1/11	Rent	\$975.00		\$975.00
Feb 2/11	Late fee	\$20.00		\$995.00
Feb 15/11	Partial rent payment		\$800.00	\$195.00
Feb 20/11	Payment (receipt issued for "use and occupancy only")		\$195.00	0
Mar 1/11	Rent	\$975.00		\$975.00
Mar 2/11	Late fee	\$20.00		\$995.00
Mar 4/11	Partial rent payment		\$900.00	\$95.00
Mar 4/11 (later in day)	Payment		\$75.00	\$20.00

The Landlord's agent testified that the Landlord reinstated the tenancy on March 4, 2011, and is requesting a Monetary Order for the late fees and for the cost of filing the Application.

Analysis

There is a clause in the tenancy agreement for fees of \$20.00 for late rent, which is an amount that complies with Section 7(d) of the Residential Tenancy Regulation. The Tenants were late paying rent for March, 2011. Therefore, the Landlord is entitled to a monetary award in the amount of \$20.00 for late fees.

The Landlord is also entitled to recover the cost of the \$50.00 filing fee.

I hereby provide the Landlord with a Monetary Order in the amount of \$70.00 against the Tenants.

Conclusion

The Landlord's application for an Order of Possession is dismissed as the Tenancy has been reinstated.

I hereby provide the Landlord a Monetary Order in the amount of **\$70.00** against the Tenants. This Order must be served on the Tenants and may be filed in the Provincial Court of British Columbia (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: March 17, 2011.
