



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MNDC, FF, O

Introduction

This is the Landlord's application for an Order of Possession; a Monetary Order for unpaid rent; compensation for damage or loss under the Act, regulation or tenancy agreement; and to recover the cost of the filing fee from the Tenant.

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

The Landlord's agent testified that she mailed the Notice of Hearing documents to the Tenant, by registered mail, the rental unit on March 16, 2011. She testified that the Canada Post tracking system indicates that the documents were received by the Tenant on March 18, 2011. The Landlord's agent provided the tracking number and receipt in evidence.

I accept the Landlord's affirmed testimony that the Tenant received the Notice of Hearing documents on March 18, 2011. The Tenant did not sign into Hearing and the Hearing proceeded in her absence.

Preliminary Matter

The Landlord's agent testified that the Tenant moved out of the rental unit on the weekend of March 18/19, without leaving a forwarding address. Therefore, the Landlord has taken back possession of the rental unit and an Order of Possession is not required. The Landlord's application for an Order of Possession is dismissed.

Issue(s) to be Decided

- (1) Is the Landlord entitled to a monetary award for unpaid rent and late fees for the month of March, 2011?

Background and Evidence

The Landlord's agent gave the following testimony:

The tenancy began on February 1, 2011. Monthly rent was \$770.00, due on the first day of each month. The Tenants paid a security deposit in the amount of \$375.00 on January 26, 2011.

The Landlord is seeking a monetary award for unpaid rent for the month of March and late fees in the amount of \$25.00.

Analysis

Based on the undisputed testimony of the Landlord's agent, I find that the Landlord has established a monetary award against the Tenant in the amount of \$770.00 for unpaid rent. Late fees can be awarded, up to an amount of \$25.00, if there is a clause in the tenancy agreement allowed such fees. The Landlord did not provide a copy of the tenancy agreement and therefore this portion of the Landlord's claim is unproven and is dismissed.

Pursuant to the provisions of Section 72 of the Act, the Landlord may apply the security deposit towards partial satisfaction of its monetary award.

The Landlord has been successful in its application and is entitled to recover the cost of the filing fee from the Tenant.

I hereby provide the Landlord with a monetary order against the Tenant, calculated as follows:

Unpaid rent	\$770.00
Recovery of filing fee	\$50.00
Less security deposit	<u><\$375.00></u>
TOTAL amount due to Landlord after set off	\$445.00

Conclusion

The Landlord's application for an Order of Possession is dismissed.

I hereby provide the Landlord a Monetary Order in the amount of **\$445.00** for service upon the Tenant. This Order 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: April 14, 2011.

Residential Tenancy Branch