

Decision

Dispute Codes: MNR, MNDC, FF

Introduction

This hearing dealt with the landlord's application for a monetary order as compensation for unpaid rent or utilities / compensation for damage or loss under the Act, regulation or tenancy agreement / and recovery of the filing fee. The landlord's agent participated in the hearing and gave affirmed testimony.

Subsequent to the landlord's filing of the application, the tenants made certain payments toward rent and they continue to reside in the unit. In the result, the landlord has withdrawn the aspects of the original application concerning an order of possession, and retention of the combined security & pet damage deposits. The remaining aspects of the landlord's application for compensation are set out below.

Despite being served in person on June 16, 2011 with the application for dispute resolution and notice of hearing, the tenants did not appear.

Issues to be decided

- Whether the landlord is entitled to any or all of the above under the Act, Regulation or tenancy agreement

Background and Evidence

Pursuant to a written tenancy agreement, the fixed term of tenancy was from October 1, 2008 to September 30, 2009. Thereafter, tenancy has continued on a month-to-month basis. A security deposit of \$350.00 was collected at the outset of tenancy, in addition to a pet damage deposit of \$350.00. Currently, monthly rent is \$725.00.

Arising from rent which was not fully paid when due on June 1, 2011, the landlord issued a 10 day notice to end tenancy for unpaid rent dated June 2, 2011. The tenants have subsequently made payments toward rent and, in the result, the current particulars of the landlord's application for compensation are as follows:

\$50.00: balance of unpaid rent for July

\$25.00: fee for late payment of rent for July

\$50.00: filing fee

Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord's agent, I find that the landlord has established a claim of \$125.00, as detailed above.

In view of the landlord's withdrawal of an application for an order of possession, the tenancy presently continues in full force and effect.

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of \$125.00. Should it be necessary, this order may be served on the tenants, filed in the 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*.

DATE: July 7, 2011

Residential Tenancy Branch