



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession for unpaid rent, a monetary order for unpaid rent, to keep all or part of the security deposit and recovery of the filing fee. Both parties participated in the conference call hearing and gave affirmed testimony.

Issue(s) to be Decided

Is the landlord entitled to any of the above under the Act.

Background and Evidence

This tenancy began May 1, 2010 with monthly rent of \$850.00 and the tenants paid a security deposit of \$425.00. On July 3, 2011 the landlord served the tenants with a 10 Day Notice to End Tenancy for Unpaid Rent, the tenants have not filed to dispute this notice.

The landlord stated that the tenant who attended the hearing had paid all of the rent due and at this time only owed the landlord the \$25.00 late fee for August. The landlord stated that as the rent had been paid the tenancy will continue and they were no longer seeking an order of possession for the rental unit, therefore this portion of the landlord's claim is hereby dismissed.

The tenant confirmed that all the past due rent had been paid and acknowledged that she owed the \$25.00 late fee. The tenant commented that she will meet with the landlord to discuss renting a 1 bedroom unit as her roommate had left, was not returning and that paying rent on a 2 bedroom had been a challenge for her.

The landlord is seeking a monetary order for the unpaid \$25.00 late fee and the \$50.00 cost to bring this application forward and the tenant acknowledged that she clearly understood this.

Analysis

Based on the documentary evidence and testimony of the parties I find on a balance of probabilities that the landlord has met the burden of proving that they have grounds for entitlement to a monetary order for \$25.00 in unpaid late fees.

Accordingly I find that the landlord is entitled to a monetary order for \$25.00.

As the landlord has been successful in their application the landlord is entitled to recovery of the \$50.00 filing fee.

Conclusion

I find that the landlord has established a monetary claim for \$25.00 in unpaid late fees. The landlord is also entitled to recovery of the \$50.00 filing fee. I hereby grant the landlord a monetary order under section 67 for the amount of **\$75.00**.

If the amount is not paid by the tenant, the Order may be filed in the Provincial (Small Claims) Court of British Columbia 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: August 16, 2011.

Residential Tenancy Branch