



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *MNR, MNSD, FF*

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for a monetary order to recover unpaid rent, late fees and the filing fee. The landlord applied to retain the security deposit in partial satisfaction of her claim. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be decided

Has the landlord established a monetary claim for unpaid rent and late fees? Is the landlord entitled to retain the security deposit and recover the filing fee?

Background and Evidence

The tenancy started on September 01, 2010 for a fixed term of one year. The tenant agreed that she moved out on July 11, 2011 without paying rent for July. The landlord filed a copy of the tenancy agreement which contains a clause regarding a charge of \$25.00 for late rent. The landlord has applied for a monetary order for July rent (\$850.00), late fee (\$25.00) plus the filing fee (\$50.00) for a total of \$925.00.

Analysis

The tenant did not dispute the landlord's claim of \$850.00 for unpaid rent and \$25.00 for late fees. Since the landlord has proven her case, she is also entitled to the recovery of the filing fee of \$50.00.

I order that the landlord retain the security deposit of \$425.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the balance due of \$500.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord a monetary order for the amount of **\$500.00**.

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: October 14, 2011.

Residential Tenancy Branch