



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 was convened in response to the Landlord's Application for Dispute Resolution, in which the Landlord has made application for an Order of Possession for Unpaid Rent, a monetary Order for unpaid rent, a monetary Order for damage to the rental unit; to retain all or part of the security deposit, and to recover the filing fee from the Tenant for the cost of this Application for Dispute Resolution.

At the outset of the hearing the male Agent for the Landlord withdrew the application for an Order of Possession for Unpaid Rent and a monetary Order for damage to the rental unit, as the Tenant has vacated the unit and given the Landlord written authorization to retain a portion of the security deposit for cleaning costs.

Both parties were represented at the hearing. They were provided with the opportunity to submit documentary evidence prior to this hearing, to present relevant oral evidence, to ask relevant questions, and to make relevant submissions to me.

Issue(s) to be Decided

The issues to be decided are whether the Landlord is entitled to a monetary Order for unpaid rent; to keep all or part of the security deposit; and to recover the filing fee from the Tenant for the cost of the Application for Dispute Resolution, pursuant to sections 38, 67, and 72 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The Landlord and the Tenant agree that this tenancy began on March 01, 2011; that the Tenant is required to pay monthly rent of \$1,500.00 on the first day of each month; that the Tenant paid a security deposit of \$750.00; that the Tenant gave the Landlord written permission to retain \$165.75 from her security deposit, for the purposes of cleaning the drapes; that the Tenant owes \$1,500.00 in rent from January of 2012; that the tenancy agreement requires the Tenant to pay a late fee of \$25.00 if she is more than five days late paying the rent; that the Tenant owes \$90.00 in parking fees from January of 2012; and that the Tenant owes a \$25.00 late fee from January of 2012.

Analysis

On the basis of the undisputed evidence presented at this hearing, I find that the Tenant owes \$1,590.00 in rent/parking fees and a \$25.00 late fee. As the *Residential Tenancy Act (Act)* and the tenancy agreement requires the Tenant to pay these fees, I find that she owes \$1,615.00 to the Landlord.

I find that the Landlord's application has merit and that the Landlord is entitled to recover the filing fee from the Tenant for the cost of this Application for Dispute Resolution.

Conclusion

I find that the Landlord has established a monetary claim, in the amount of \$1,665.00, which is comprised of \$1,615.00 in unpaid rent and fees, plus \$50.00 in compensation for the filing fee paid by the Landlord for this Application for Dispute Resolution.

Pursuant to section 72(2) of the Act, I authorize the Landlord to retain the unassigned portion of the security deposit, which is \$584.25, in partial satisfaction of the monetary claim.

Based on these determinations I grant the Landlord a monetary Order for the balance of \$1,080.75. In the event that the Tenant does not comply with this Order, it may be served on the Tenant, filed with the Province of British Columbia 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*.

Dated: February 02, 2012.

Residential Tenancy Branch