



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNDC, OPR

Introduction

A substantial amount of documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The applicant testified that the respondent was served with notice of the hearing by registered mail that was mailed on February 28, 2012, however the respondent did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for an Order of Possession based on the Notice to End Tenancy for non-payment of rent, a request for a monetary order for \$1742.50, and a request for recovery of the \$50.00 filing fee.

Background and Evidence

The applicant testified that:

- The tenants February 2012 rent cheque, in the amount of \$850.00, was returned by the bank for insufficient funds and therefore on February 17, 2012 the tenant was personally served with a 10 day Notice to End Tenancy.
- To date the tenant has failed to comply with the notice and failed to pay any further rent.

The applicants are therefore requesting an Order of Possession for as soon as possible and a monetary order as follows:

February 2012 rent outstanding	\$850.00
March 2012 rent outstanding	\$850.00
February 2012 late rent fee	\$42.50
Filing fee	\$50.00
Total	\$1792.50

Analysis

It is my finding that the landlord has shown that there is rent outstanding for both the months of February 2012 and March 2012, and therefore I allow the full claim for outstanding rent.

I will not allow the full amount claimed for February 2012 late rent fee, because the Residential Tenancy Act only allows a late rent fee of \$25.00 per month. I therefore allow \$25.00 for that late rent fee.

I also allow recovery of the \$50.00 filing fee.

Conclusion

I have issued an order for the respondent to pay \$1775.00 to the applicants.

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: March 14, 2012.

Residential Tenancy Branch