



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR, MNSD, MNDC, FF

### Introduction

This hearing dealt with an application by the landlord for a monetary order and an order permitting them to retain the security deposit in partial satisfaction of the claim. Despite having been served with the application for dispute resolution and notice of hearing by registered mail on January 11, the tenant did not participate in the conference call hearing.

### Issue to be Decided

Is the landlord entitled to a monetary order as claimed?

### Background and Evidence

The landlord's undisputed testimony is as follows. The tenant is obligated to pay \$1,245.00 in rent each month as well as a portion of utilities. The tenant failed to pay rent in January 2012, she failed to pay utilities in the amount of \$127.12 which were owing as of December 1, 2011 and she paid rent late in the months of October, November and December 2011. The landlord testified that the tenancy agreement provides for a late payment fee of \$25.00. The landlord seeks to recover rent, utility payments and 3 months of late fees as well as the \$50.00 filing fee paid to bring this application.

### Analysis

I accept the landlord's undisputed testimony and I find that the tenant paid rent late in October, November and December 2011 thereby triggering late payment fees for each month, that she failed to pay \$127.12 in utilities which were owing as of December 1, 2011 and that she failed to pay rent in January 2012. I find that the landlord is entitled to recover these amounts as well as the \$50.00 filing fee. I award the landlord \$1,497.12. I order the landlord to retain the \$622.50 security deposit in partial satisfaction of the claim and I grant the landlord a monetary order under section 67 for

the balance of \$874.62. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The landlord is granted a monetary order for \$874.62 and will retain the security deposit.

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 15, 2012

---

Residential Tenancy Branch