



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MND, MNR, MNSD, MNDC, OPC

Introduction

Some documentary evidence and written arguments have 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(s) testified that the respondent was served with notice of the hearing by registered mail that was mailed on March 23, 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 a Notice to End Tenancy for non-payment of rent, a request for a monetary order for \$1128.00, and request for recovery of the \$50.00 filing fee.

Background and Evidence

The applicant testified that:

- He no longer needs an Order of Possession because the respondent vacated the rental unit on April 1, 2012.
- The tenant however still owes \$339.00 for the month of March 2012 and a late fee of \$25.00 in the month of March 2012.
- He is no longer requesting April 2012 rent as the tenant has vacated

The applicant is therefore requesting a reduced claim as follows:

March 2012 rent outstanding	\$339.00
March 2012 late rent fee	\$25.00
Filing fee	\$50.00
Total	\$414.00

Analysis

The landlord has withdrawn a request for an Order of Possession and therefore no Order of Possession is issued.

The landlord has shown that there is still rent outstanding for the month of March 2012 in the amount of \$339.00 and therefore I allow that portion of the claim.

The landlord has also shown that there is a \$25.00 late fee clause in the tenancy agreement and therefore I allow the landlords claim for a \$25.00 late fee for the month of March 2012.

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

Conclusion

I have allowed the landlords full reduced claim of \$414.00 and I therefore order that the landlord may retain the full security deposit of \$364.00 and have issued a monetary order in the amount of \$50.00.

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: April 11, 2012.

Residential Tenancy Branch