



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 dealt with the landlord's Application for Dispute Resolution seeking an order of possession and a monetary order.

The hearing was conducted via teleconference and was attended by the landlord's agent only.

The landlord provided documentary evidence the tenant was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* by registered mail on July 19, 2012 in accordance with Section 89. As per Section 90, the documents are deemed received by the tenant on the 5th day after it was mailed.

Based on the evidence of the landlord, I find that the tenant has been sufficiently served with the documents pursuant to the *Act*.

The landlord testified the tenant vacated the rental unit on or before July 23, 2012 and there is no longer a need for an order of possession. I amend the landlord's Application to exclude the matter of possession.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to a monetary order for unpaid rent; for 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 submitted into evidence a copy of a tenancy agreement signed by the parties on April 26, 2008 for a month to month tenancy for a monthly rent of \$670.00 due on the 1st of each month with a security deposit of \$335.00 paid on April 26, 2008.

The landlord provided into evidence notices of rent increases from throughout the tenancy to establish the current rent to be \$715.00. In addition, the landlord provided a copy of a 10 Day Notice to End Tenancy for Unpaid Rent issued to the tenant on July 5, 2012 with an effective date of July 15, 2012 citing the tenant had failed to pay rent in the

amount of \$1,255.00 due on July 1, 2012. The landlord seeks compensation for the unpaid rent and for the late payment charges of \$25.00 as per clause 10 of the tenancy agreement.

Analysis

Based on the undisputed testimony of the landlord I find the tenant has failed to pay rent in the amount of \$1,255.00 and that the landlord is entitled to this amount plus late payment charges in the amount of \$25.00.

Conclusion

I find the landlord is entitled to monetary compensation pursuant to Section 67 in the amount of **\$1,330.00** comprised of \$1,255.00 rent owed; \$25.00 late payment fees and the \$50.00 fee paid by the landlord for this application.

I order the landlord may deduct the security deposit and interest held in the amount of \$358.64 in partial satisfaction of this claim. I grant a monetary order in the amount of **\$971.36**.

This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order in the Provincial Court (Small Claims) and be 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: August 10, 2012.

Residential Tenancy Branch