



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes:**

OPR, MNR, MNSD, FF

### **Introduction**

This hearing was convened in response to an application by the landlord pursuant to the *Residential Tenancy Act* (the Act). Both parties attended the hearing. The landlord orally amended their application – seeking only a monetary order for current arrears of rent and does not seek to end the tenancy. The landlord seeks the following applications:

1. A Monetary Order for unpaid rent - Section 67
2. Money owed for loss under the Act – Section 67 (late fee x 2)
3. An Order to recover the filing fee for this application - Section 72.

The balance of the landlord's claims are preliminarily *dismissed*.

### **Issue(s) to be Decided**

Is the notice to end tenancy valid?

Is the landlord entitled to the monetary amounts claimed?

### **Background and Evidence**

The tenancy began on November 01, 2009. Rent in the amount of \$785 is payable in advance on the first day of each month. The tenant failed to pay rent in the month of August 2012 and on August 02, 2012 the landlord served the tenant with a notice to end tenancy for non-payment of rent by posting. To the date of this hearing the tenant and landlord agree that the tenant has paid the majority of all arrears in rent except for an arrears balance of \$210.00. The parties are in agreement for the landlord to receive a monetary order for the unpaid rent and late fees of \$25 per month for August and September 2012. The landlord's monetary claim is for the unpaid rent of \$210.00 plus the corresponding late fees of \$25 per month (\$50) as stipulated in the tenancy agreement, for a sum of **\$260.00**

### **Analysis**

Based on the testimony of both parties I find that the tenant was served with a notice to end tenancy for non-payment of rent and I find the notice to be valid. The tenant has caught up in the majority of rent owed, save \$210.00 plus late fees.

I find that the landlord has established a monetary claim for **\$260.00** in unpaid rent and late fees. The landlord is also entitled to recovery of the \$50 filing fee, for a total entitlement of **\$310.00**.

### ***Calculation for Monetary Order***

Rental Arrears to September 2012	\$210.00
Filing Fees for the cost of this application	50.00
<b>Total Monetary Award</b>	<b>\$310.00</b>

### **Conclusion**

I grant the landlord an Order under Section 67 of the Act for the amount of **\$310.00**. If necessary, this Order may be filed in the Small Claims Court and enforced as an Order of that Court.

This Decision is final and binding on the parties.

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: September 17, 2012

---

Residential Tenancy Branch