



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MNDC, MNSD, FF

Introduction

This hearing was scheduled in response to the landlord's application for an order of possession / a monetary order as compensation for unpaid rent / compensation for damage or loss under the Act, Regulation or tenancy agreement / retention of the security deposit / and recovery of the filing fee. The landlord's agent participated in the hearing and gave affirmed testimony. Despite in-person service of the application for dispute resolution and notice of hearing (the "hearing package") on September 19, 2012, the tenant did not appear.

Issue(s) to be Decided

Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement.

Background and Evidence

Pursuant to a written tenancy agreement, what ultimately became a month-to-month tenancy began on April 1, 2011. Monthly rent of \$850.00 is due and payable in advance on the first day of each month, and a security deposit of \$425.00 was collected.

Arising from rent of \$425.00 which remained unpaid when due on September 1, 2012, the landlord issued a 10 day notice to end tenancy for unpaid rent dated September 2, 2012. The notice was served by way of posting on the tenant's door on that same date. A copy of the notice was submitted in evidence. Thereafter, on October 18, 2012 the tenant made payment of \$480.00, which is \$55.00 in excess of the balance of unpaid rent due for September (\$480.00 - \$425.00). The tenant continues to reside in the unit.

During the hearing the landlord's agent withdrew the application for an order of possession, and the application for a monetary order as compensation for unpaid rent, as well as the application to retain the security deposit.

However, the landlord still wishes to recover the full amount of the \$50.00 filing fee as well as 2 x \$25.00 fees assessed for the late payment of rent (total: \$100.00). In view of the “overpayment” of outstanding rent on October 18, 2012 by \$55.00, as above, the landlord seeks a monetary order for the balance owed of \$45.00 (\$100.00 - \$55.00).

Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord’s agent, I find that the landlord has established entitlement to a monetary order in the amount of \$45.00, as set out above.

Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$45.00**. Should it be necessary, this order may be served on the tenant, filed in the Small Claims Court and 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: October 22, 2012.

Residential Tenancy Branch