



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Pinnacle International
and [tenant name suppressed to protect privacy]

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 testified 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)* personally on February 28, 2013 in accordance with Section 89.

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

The landlord testified at the outset of the hearing that the tenant had vacated the rental unit on February 28, 2013 and she is no longer in need of 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, 46, 55, 67, and 72 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The landlord submitted the following documentary evidence:

- A copy of a residential tenancy agreement which was signed by the parties on September 15, 2011 for a 1 year fixed term tenancy beginning on October 1, 2011 that converted to a month to month tenancy on October 1, 2012 for the monthly rent of \$930.00 due on the 1st of each month and a security deposit of \$465.00 was paid. The agreement stipulates the landlord will charge a \$25.00 late fee; and

- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent that was issued on February 16, 2013 with an effective vacancy date of February 25, 2013 due to \$540.00 in unpaid rent.

The landlord's agent testified the tenant is still in arrears in the amount of \$540.00 for rent plus the late fee of \$25.00.

Analysis

Based on the undisputed testimony of the landlord's agent I find the tenant owes the landlord the amounts as claimed.

Conclusion

I find the landlord is entitled to monetary compensation pursuant to Section 67 in the amount of **\$615.00** comprised of \$540.00 rent owed; \$25.00 late 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 \$465.00 in partial satisfaction of this claim. I grant a monetary order in the amount of **\$150.00**.

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: March 20, 2013

Residential Tenancy Branch

