



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order. Despite having been personally served with the application for dispute resolution and notice of hearing on February 25, 2013, the tenant did not participate in the conference call hearing.

At the outset of the hearing the landlord advised that the tenant had vacated the rental unit on March 1, 2013. As an order of possession is no longer required, I consider that claim to have been withdrawn.

Issue to be Decided

Is the landlord entitled to a monetary order as claimed?

Background and Evidence

The landlord's undisputed evidence is as follows. The tenant was obligated to pay \$1,350.00 per month in rent in advance on the first day of each month. The tenant failed to pay rent on February 1, 2013 and on February 4 the landlord served the tenant with a 10 day notice to end tenancy for unpaid rent (the "Notice"). The tenant made no attempt to pay the rental arrears and the landlord seeks to recover those arrears.

At the outset of the tenancy, the tenant signed a "Form K" in which she agreed to comply with strata bylaws. The tenant failed to comply with a no smoking bylaw on at least 2 occasions and on September 12, 2012 the Strata levied a \$200.00 charge against the landlord for the tenant's breach of the bylaws. On October 27 the Strata levied a second \$200.00 charge. The landlord seeks to recover those fines.

Analysis

I accept the landlord's undisputed testimony. I find that the tenant was obligated to pay \$1,350.00 in rent for the month of February and that she failed to do so. I find that the landlord is entitled to recover the rental arrears and I award him \$1,350.00.

I find that the tenant failed to comply with the no smoking bylaw as she was contractually obligated to do and that as a result of that breach, the landlord incurred fines of \$400.00. I find that the landlord is entitled to recover those monies and I award him \$400.00.

As the landlord has been successful in his application I find that he is entitled to recover his filing fee and I award him \$50.00.

Conclusion

The landlord is awarded \$1,800.00. I grant the landlord a monetary order under section 67 for this sum. This order may be filed in the Small Claims Division of the Provincial 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: March 20, 2013

Residential Tenancy Branch

