



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, FF

Introduction

This hearing dealt with the landlord's application for dispute resolution under the Residential Tenancy Act (the "Act") for an order of possession for the rental unit due to unpaid rent, a monetary order for unpaid rent and money owed or compensation for damage or loss, for authority to retain the tenants' security deposit and to recover the filing fee.

The landlord and two of the tenants appeared, the hearing process was explained and they were given an opportunity to ask questions about the hearing process.

Thereafter the parties gave affirmed testimony, were provided the opportunity to present their evidence orally and to refer to relevant documentary evidence submitted prior to the hearing, and make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the Residential Tenancy Branch Rules of Procedure (Rules); however, I refer to only the relevant evidence regarding the facts and issues in this decision.

Preliminary issue-At the hearing, all parties confirmed that the tenants had vacated the rental unit by March 31, 2013, and that the landlord no longer required an order of possession for the rental unit. I have therefore amended his application, excluding a request for possession of the rental unit.

Issue(s) to be Decided

Is the landlord entitled to a monetary order and to recover the filing fee?

Background and Evidence

The undisputed evidence shows that this 6 ½ month, fixed term tenancy began on February 15, 2013, ended on March 31, 2013, and monthly rent was \$1300.00. The parties agreed that a full security deposit was ultimately not paid by the tenants, which had been an issue with the listed tenant who did not appear for the hearing.

The landlord said that although he listed his monetary claim as \$1980.00 in his application for dispute resolution, he wanted only \$650.00 for the rent shortfall for March, a \$30.00 NSF fee, and the filing fee of \$50.00.

The tenants agreed with the landlord's monetary claim.

Analysis

Based on the oral and written evidence and on a balance of probabilities, I find as follows:

The landlord provided undisputed evidence that he suffered a loss of rent, in the amount of \$650.00, for the month of March, as agreed upon by the tenants.

As to the NSF fee, the Residential Tenancy Branch Regulations, #7, allow a maximum administrative fee of \$25.00 for a bank fee. I therefore allow the landlord to recover this amount.

I find the landlord's application contained merit and I award him recovery of the filing fee.

I find that the landlord has established a total monetary claim of \$725.00 comprised of unpaid rent of \$650.00 through March, 2013, \$25.00 for a NSF fee, and the \$50.00 filing fee paid by the landlord for this application.

Conclusion

The landlord's application is granted.

I grant the landlord a final, legally binding monetary order pursuant to section 67 of the Act for the amount of \$725.00, which I have enclosed with the landlord's Decision.

Should the tenants fail to pay the landlord this amount without delay after being served the order, the order may be filed in the Provincial Court of British Columbia (Small Claims) for enforcement 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* and is being mailed to both the applicant and the respondents.

Dated: April 19, 2013

Residential Tenancy Branch