



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding GOLD TEAM MANAGEMENT SERVICE LTD.
and [tenant name suppressed to protect privacy]

DECISION

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

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for an order of possession and for a monetary order for unpaid rent, a strata fine and the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of her monetary claim.

The notice of hearing was served on the tenant on May 03, 2013 by registered mail. The landlord provided a tracking number. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

At the start of the hearing, the landlord informed me that the tenant had moved out and therefore she did not need an order of possession.

Issues to be decided

Is the landlord entitled to a monetary order to recover unpaid rent, strata fine the filing fee and to retain the security deposit?

Background and Evidence

The tenancy started on October 01, 2004. The monthly rent was \$815.00 but increased to \$904.00 as of May 01, 2013. Rent was due on the first of each month. Prior to moving in the tenant paid a security deposit of \$400.00.

The landlord testified that the tenant failed to pay rent for April 2013 (\$815.00) and for May (\$904.00). On April 29, 2013, the tenant left a voice message for the landlord informing her that he intended to end the tenancy effective May 15, 2013. The landlord stated that the tenant left the unit in a damaged condition that needs repair and he also left behind some of his unwanted belongings. At the time of the hearing the landlord was in the process of preparing the unit for a new tenant.

Due to a violation of the strata by laws by the tenant, the landlord received a fine of \$200.00 from the strata council. The landlord stated that she has not paid the fine because she is disputing it.

The landlord is applying for a monetary order for unpaid rent in the amount of \$815.00 for April 2013, \$904.00 for May 2013, \$200.00 for the strata fine plus \$50.00 for the filing fee for a total of \$1,969.00.

Analysis

Based on the undisputed sworn testimony of the landlord, I accept the landlord's evidence in respect of the claim.

I find that the landlord is entitled to \$1,719.00 for unpaid rent. Since the landlord has proven her case, she is also entitled to the recovery of the filing fee of \$50.00. I find that the landlord is not entitled to the strata fine because it is not yet paid and is being disputed.

I order that the landlord retain the security of \$400.00 plus \$14.17 in accrued interest, in partial satisfaction of the claim and I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the balance due of \$1,354.83. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord a monetary order in the amount of **\$1,354.83**.

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: May 29, 2013

Residential Tenancy Branch