



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Port Royal Village Dev. Inc.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

MNR FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested compensation for unpaid rent and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

The landlord provided affirmed testimony that in the early afternoon on March 26, 2013, the tenant was personally served copies of the Application for Dispute Resolution and Notice of Hearing with the landlord's spouse present as a witness. The tenant and witness signed a document, confirming service had occurred; a copy of which was supplied as evidence.

These documents are deemed to have been personally served in accordance with section 89 of the *Act*; however the tenant did not appear at the hearing.

Preliminary Matters

The details of dispute section of the application contained a claim for fees, which I have considered as compensation for damage or loss under the *Act*.

Issue(s) to be Decided

Is the landlord entitled to compensation in the sum of \$1,700.00 for March, 2013 rent owed?

Is the landlord entitled to a late and NSF fee totalling \$75.00?

Is the landlord entitled to filing fee costs?

Background and Evidence

The tenancy commenced on August 1, 2012; rent was \$1700.00 due on the first day of each month. A deposit in the sum of \$850.00 was paid. A copy of the tenancy agreement and addendum were supplied as evidence. Clause 19 of the addendum indicated that a late fee in the sum of \$25.00 and a NSF fee of \$50.00 would be levied.

The tenancy ended as the result of a 10 Day Notice to End Tenancy for Unpaid Rent issued in March 2013. The tenant vacated on March 26, 2013 and did not pay March, 2013 rent. The March rent cheque was returned by the bank as NSF.

The tenant signed a move-out condition inspection report, allowing the landlord to retain the deposit to various items totalling \$3,249.60. The deposit has been applied to losses outside of the rent and fees.

Analysis

In the absence of evidence to the contrary, I find that the tenant has not paid rent in the amount of \$1,700.00 for March 2013 and that the landlord is entitled to compensation in that amount.

In the absence of evidence to the contrary and, based on the tenancy agreement supplied as evidence, I find that the landlord is entitled to \$25.00 compensation for a late March 2013 rent payment and the \$50.00 NSF fee. I have found that rent was not paid and have accepted the landlord's affirmed testimony that the March cheque issued by the tenant was returned as NSF.

I find that the landlord's application has merit, and that the landlord is entitled to recover the \$50.00 filing fee from the tenant for the cost of this Application for Dispute Resolution.

The landlord has leave to reapply in relation to other losses that may have resulted from this tenancy.

Based on these determinations I grant the landlord monetary Order in the sum of \$1,825.00. In the event that the tenant does not comply with this Order, it may be served on the tenant, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

Conclusion

The landlord is entitled to a monetary Order for unpaid rent and fees.

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: June 19, 2013

Residential Tenancy Branch

