



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR FF

Introduction

This hearing dealt with an application by the landlord for a monetary order for unpaid rent and utilities. The landlord participated in the teleconference hearing, but the tenant did not.

The landlord stated that the tenant was personally served with the application for dispute resolution and notice of hearing on April 30, 2013. I accepted the landlord's testimony regarding service of notice of the hearing, and I proceeded with the hearing in the absence of the tenant.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation as claimed?

Background and Evidence

The tenancy began in August 2010. Rent in the amount of \$2150 was payable in advance on the first day of each month. The tenancy ended on July 31, 2011. The tenant and the landlord signed a document indicating that the tenant owed the landlord \$2325 in unpaid rent and \$241.65 in unpaid utilities. The landlord submitted a copy of this document. The tenant did not pay the landlord any of these amounts. The landlord has claimed these amounts as well as \$75 for three late payment fees. The landlord did not provide a copy of the tenancy agreement but stated that he used the standard agreement available on the Residential Tenancy Branch website.

Analysis

Based on the landlord's evidence, I find that he is entitled to the amounts claimed for rent and utilities, for a total of \$2566.65. The landlord did not prove that there was a term in the tenancy agreement allowing for late fees, and the standard tenancy agreement from RTB does not include such a clause; I therefore dismiss that portion of the landlord's application.

As the landlord's claim was mostly successful, he is also entitled to recovery of the \$50 filing fee for the cost of his application.

Conclusion

I grant the landlord an order under section 67 for the balance due of \$2616.65. This order may be filed in the Small Claims 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: July 23, 2013

Residential Tenancy Branch