



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Wall Financial Corporation
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

MNR, MNDC, FF

Introduction:

This hearing was convened in response to the Landlord's Application for Dispute Resolution, in which the Landlord applied for a monetary Order for unpaid rent, a monetary Order for money owed or compensation for damage or loss, and to recover the fee for filing an Application for Dispute Resolution.

The Agent for the Landlord stated that she personally served the Application for Dispute Resolution, the Notice of Hearing, and documents the Landlord wishes to rely upon as evidence to each Tenant on June 19, 2013. In the absence of evidence to the contrary, I find that these documents have been served in accordance with section 89 of the *Residential Tenancy Act (Act)*, however neither Tenant appeared at the hearing.

Issue(s) to be Decided:

Is the Landlord entitled to a monetary Order for unpaid rent and late fees from June, July, and August of 2013?

Background and Evidence:

The Agent for the Landlord stated that this tenancy began on May 01, 2011 and that the rent at the end of the tenancy was \$1,145.00.

The Agent for the Landlord stated that the Landlord previously applied for, and obtained, an Order of Possession for the rental unit. A copy of the related decision and the Order of Possession was submitted in evidence.

The Agent for the Landlord stated that she does not know if the Order of Possession has been served to the Tenant. She stated that the Tenant is still occupying the rental unit. She stated that the rent for June and July of 2013 was in arrears until July 28, 2013, at which time it, and all late fees, were paid in full. The Tenant stated that the rent for August was paid when it was due on August 01, 2013.

The Agent for the Landlord stated that rent has not been paid for September of 2013 and that the Landlord is seeking a monetary Order for this rent and for a late fee for the month of September.

Analysis

Based on the undisputed evidence, I find that all of the rent for June, July, and August has been paid in full and that any late fees due for those months have also been paid in full. As no money is owed for these months, I dismiss the Landlord's claim for a monetary Order.

I find that I am unable to consider the claim for September rent and/or late fees in the absence of the Tenant. As the Landlord did not make a claim for compensation from the month of September, I find that the Tenant may not have attended this hearing as the Tenant believed that all of the issues in dispute at this hearing have been resolved. I therefore find it would be unfair to the Tenant to consider a claim for September in the absence of the Tenant. The Landlord retains the right to file another Application for Dispute Resolution seeking compensation for the month of September.

I find that the Landlord's application had merit at the time it was filed and that the Landlord is entitled to recover the filing fee from the Tenant for the cost of this Application for Dispute Resolution.

Conclusion

The Landlord has established a monetary claim of \$50.00 in compensation for the filing fee paid by the Landlord for this Application for Dispute Resolution and I grant the Landlord a monetary Order for this amount. 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.

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: September 24, 2013

Residential Tenancy Branch

