



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BRISTOL ESTATES
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, late fees 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 August 15, 2013, in person. 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 paid most of the rent and therefore she was only seeking a monetary order for the balance of unpaid rent and the tenancy would continue. Accordingly the landlord's application for an order of possession and to retain the security deposit is moot. This hearing only dealt with the landlord's application for a monetary order for unpaid rent, late fees and the filing fee.

Issues to be decided

Is the landlord entitled to a monetary order to recover unpaid rent, late fees, and the filing fee?

Background and Evidence

The tenancy started on December 01, 2012. The monthly rent is \$925.00 due in advance on the first of each month. The landlord filed a copy of the tenancy agreement. A term in the agreement stipulates that a late fee of \$25.00 is applicable for rent paid after the first of each month.

The landlord testified that the tenant failed to pay full rent for August 2013. On August 02, 2013, the landlord served the tenant with a ten day notice to end tenancy by posting the notice on the front door of the rental unit in the presence of a witness. The landlord stated that the tenant made some payments toward the outstanding rent and at the time of the hearing, the tenant owed rent plus late fees in the amount of \$325.00.

The landlord is applying for a monetary order in the amount of \$375.00 which consists of outstanding rent and late fees (\$325.00) and the filing fee (\$50.00).

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 unpaid rent and late fees. Since the landlord has proven her case, she is also entitled to the recovery of the filing fee of \$50.00.

I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the amount of \$375.00. 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 **\$375.00**.

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 19, 2013

Residential Tenancy Branch

