



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNR, OPR

Introduction

This is an application for an Order of Possession based on the Notice to End Tenancy for nonpayment of rent, a request for a Monetary Order for \$5000.00, and a request for recovery of the \$50.00 filing fee; however at the beginning of the conference call the landlord stated that the tenant had vacated and she now has possession of the rental unit. Therefore an Order of Possession is no longer required.

The applicant testified that the respondent was served with notice of the hearing by registered mail was mail on August 8, 2013 however the respondent did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondent has been served with notice of the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

Is the landlord entitled to a Monetary Order of \$5000.00?

Background and Evidence

Landlord testified that:

- This tenancy began on December 1, 2012 with a monthly rent of \$1300.00.
- The tenant failed to pay the full May 2013 rent, and there is still \$100.00 standing for May 2013.

- The tenant failed to pay any rent for the months of June 2013, July 2013, and August 2013.
- The tenant vacated on approximately August 18, 2013 after receiving a Notice to End Tenancy.
- The tenant left an outstanding utility bill totaling \$847.30.

The applicant is therefore requesting a Monetary Order as follows:

May 2013 rent outstanding	\$100.00
June 2013 rent outstanding	\$1300.00
July 2013 rent outstanding	\$1300.00
August 2013 rent outstanding	\$1300.00
Late fees \$50.00 X 2	\$100.00
Outstanding utilities	\$847.30
Filing fee	\$50.00
Total	\$4997.30

Analysis

It is my finding that the landlord has shown that there is a total of \$4000.00 in rent outstanding to the end of this tenancy and therefore I allow that portion of the claim.

I will also allow portion of the landlord's claim for late fees, however the Residential Tenancy Regulations allow a maximum of \$25.00 per month for late fees and therefore the landlord's \$50.00 per month fee exceeds the allowable amount by \$25.00 per month.

I therefore allow total of \$50.00 for late fees.

It is also my finding that the landlord has shown that the tenants left an outstanding utility bill totaling \$847.30 and I therefore allow that portion of the claim.

I also order recovery of the \$50.00 filing fee.

Therefore the total amount of the claim I have allowed is as follows:

May 2013 rent outstanding	\$100.00
June 2013 rent outstanding	\$1300.00
July 2013 rent outstanding	\$1300.00
August 2013 rent outstanding	\$1300.00
Late fees \$50.00 X 2	\$50.00
Outstanding utilities	\$847.30

Filing fee	\$50.00
Total	\$4947.30

Conclusion

I have allowed \$4947.30 of the landlord's claim and have issued a Monetary Order in that amount. The remainder of this claim is dismissed without leave to reapply.

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 11, 2013

Residential Tenancy Branch

