



# 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:**

*OPR, MNR, 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 and the filing fee. The landlord also requested that his application be amended to include a claim to retain the security deposit in satisfaction of his claim.

The notice of hearing was served on the tenant on October 24, 2013 by registered mail. The landlord filed a tracking number. 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.

The landlord testified that on November 08, 2013, the landlord found out that the tenant had moved out without informing the landlord. Since the tenant has moved out, the landlord withdrew his application for an order of possession. Therefore, this hearing only dealt with the landlord's monetary claim.

### **Issues to be decided**

Is the landlord entitled to a monetary order to recover unpaid rent and the filing fee? Is the landlord entitled to retain the security deposit?

### **Background and Evidence**

The tenancy started on March 01, 2013. The monthly rent was \$695.00 due on the first day of each month. A term in the tenancy agreement stipulates that a late fee of \$20.00 is applicable for rent paid after the first of each month. The tenant was also required to pay \$10.00 per month for parking.

The landlord testified that the tenant failed to pay full rent on October 01, 2013 and on October 03, 2013, the landlord served the tenant with a ten day notice to end tenancy for \$660.00 in unpaid rent. The tenant did not dispute the notice, did not pay rent and moved out sometime prior to November 08, 2013.

The landlord is applying for a monetary order in the amount of \$1,495.00 which consists of outstanding rent for October (\$690.00), November (\$695.00) late fees for two months (\$40.00), parking charges for two months (\$20.00 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 his claim for unpaid rent, late fees and parking charges. Since the landlord has proven his case, I also award him the recovery of the filing fee of \$50.00.

Overall the landlord has established a claim of \$1,495.00. I order that the landlord retain the security deposit of \$347.50 in partial satisfaction of the claim and I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the balance due of \$1,147.50. 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 **\$1,147.50**.

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: December 04, 2013

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Residential Tenancy Branch

