



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Step By Step Enterprises Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order, and an order permitting retention of the security deposit in partial satisfaction of the claim. Although served with the Application for Dispute Resolution and Notice of Hearing by personal service on December 11, 2013, the tenants did not appear.

The landlord advised that the tenants had moved out of the rental unit by December 31, 2013, and an order of possession was not longer required.

Issue(s) to be Decided

Is the landlord entitled to a monetary order and, if so, in what amount?

Background and Evidence

This month-to-month tenancy commenced July 15, 2013. The monthly rent of \$2400.00 was due on the first day of the month. It was agreed that the tenants would pay a pro-rated rent of \$1200.00 for July. Although the tenants were to pay a security deposit of \$1200.00 they only paid \$800.00 towards the deposit.

There was a written tenancy agreement. It provided for payment by the tenants of a late payment fee of \$25.00 per month; a \$25.00 service fee for every NSF cheque; and the actual service fee charged to the landlord by its bank for the return of a tenant's cheque.

The total rent due for the period of July 15, 2013 to December 31, 2013, was \$13,200.00 (\$2400.00 X 5.5). During this period the tenants made five payments towards the rent – two of which were returned NSF. The net amount paid by the tenants towards rent was \$5300.00 leaving a balance due for rent of \$7900.00.

The landlord's bank charged it \$30.00 for each NSF cheque; a total of \$60.00.

The tenants paid the rent late every month of their tenancy and only paid the late fee once.

Analysis

I find that the landlord has established a total monetary claim of \$8235.00 comprised of arrears of rent in the amount of \$7900.00; bank fees charged to the landlord in the amount of \$60.00; NSF fees of \$50.00; late payment fees of \$125.00; and the \$100.00 fee paid by the landlord for this application. I order that the landlord retain the deposit of \$800.00 and I grant the landlord under section 67 for the balance due of \$7435.00.

Conclusion

A monetary order has been granted to the landlord. If necessary, 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: February 20, 2014

Residential Tenancy Branch

