



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding HOLLYBURN ESTATES LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPR, MNR, MNDC, MNSD, FF

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession and a monetary order for unpaid rent, NSF charges, late fees and the filing fee. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Since the tenant moved out on January 15, 2014, the landlord withdrew her 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, NSF charges, late fees and filing fee? Is the landlord entitled to retain the security deposit?

Background and Evidence

The tenancy started on February 15, 2013 for a fixed term of one year. The monthly rent was \$1,290.00. Prior to moving in the tenant paid a security deposit of \$645.00. A clause in the tenancy agreement states that the tenant must pay a fee of \$20.00 for rent cheques that were returned for insufficient funds and a late fee of \$25.00 for rent paid after the first of the month.

The tenant testified that she withheld rent due to the living conditions inside the rental unit. The tenant agreed that she owed \$45.00 for October 2013 plus rent along with late fees and NSF charges for December 2013 (\$1,345.00) and January 2014 (\$1,330.00) for a total of \$2,720.00.

The landlord has applied for a monetary order for this amount plus \$50.00 for the filing fee and to retain the security deposit in partial satisfaction of this claim.

Analysis

The tenant agreed that she owed the landlord a total of \$2,720.00 in unpaid rent, late fees and NSF fees. Since the landlord has proven her case, I award her the filing fee of \$50.00.

Over all, the landlord has established a claim for a total of \$2,770.00. I order that the landlord retain the security deposit of \$645.00 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 \$2,125.00. 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 for **\$2,125.00**.

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: February 05, 2014

Residential Tenancy Branch

