



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding YALETOWN NINE THREE NINE/BC IMC RALTY CORPORATION AND  
BENTALL KENEDY (CANADA) G.P. LTD.  
and [tenant name suppressed to protect privacy]

## **Decision**

### **Dispute Codes:**

OPR, MNR, FF

### **Introduction**

This hearing dealt with an Application for Dispute Resolution by the landlord for an Order of Possession based on a Notice to End Tenancy for Unpaid Rent dated January 22, 2014 and a monetary order for rent owed.

Although served with the Application for Dispute Resolution and Notice of Hearing by registered mail sent on February 12, 2014, the tenant did not appear.

At the outset of the hearing, the landlord stated that they are no longer seeking an Order of Possession as the tenant vacated the unit on March 1, 2014. The landlord still seeks a monetary order for the rent owed.

### **Issue(s) to be Decided**

Is the landlord entitled to monetary compensation for rental arrears and late fees?

### **Background and Evidence**

The landlord testified that the tenancy began on January 1, 2011, at which time the tenant paid a security deposit of \$1,015.00. The landlord testified that when the tenant failed to pay \$2,015 rent due on January 1, 2014, a 10-Day Notice to End Tenancy for Unpaid Rent was issued and served to the tenant by posting it on the door on January 22, 2014.

The landlord submitted into evidence a copy of the 10-Day Notice to End Tenancy and a copy of the tenancy agreement. The landlord testified that the tenant did not pay the \$2,105.00 arrears for January, the \$25.00 late fee owed for January 2014 and also failed to pay the \$2,105.00 rent owed for the month of February and the \$25.00 late fee for February 2014. The total claim is for \$4,260.00 plus the \$50.00 cost of the application.

### **Analysis**

Based on the testimony of the landlord, I find that the tenant was served with a Notice to End Tenancy for Unpaid Rent by posting it on the door. The tenant has not paid the outstanding rent and did not apply to dispute the Notice.

I find that the landlord has established a total monetary claim of \$4,310.00, comprised of rental arrears totaling \$4,210.00, late fees of \$50.00 and the \$50.00 fee paid by the landlord for this application. I order that the landlord retain the security deposit of \$1,015.00 in partial satisfaction of the claim leaving a balance due of \$3,295.00.

I hereby grant the Landlord an order, under section 67 of the Act, for \$3,295.00. This order must be served on the Respondent and is final and binding. If necessary it may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.

### **Conclusion**

The landlord is successful in the application and is granted a monetary order for rental arrears and late fees. The request for the order of possession was found to be moot, as the tenant vacated prior to the hearing.

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: March 31, 2014

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Residential Tenancy Branch

