



# 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 for an order of possession and a monetary order for unpaid rent. The landlord participated in the teleconference hearing, but the tenants did not call into the hearing.

At the outset of the hearing the landlord stated that the ~~male~~ **female** tenant had not been served with notice of the hearing, as ~~he~~ **she** had moved out and was removed from the lease on February 15, 2014. I therefore amended the landlord's application to remove the name of the ~~male~~ **female** tenant.

The landlord stated that the ~~female~~ **male** tenant had vacated the rental unit on June 30, 2014. I therefore dismissed the portion of the landlord's application regarding an order of possession.

The landlord stated that they personally served the ~~female~~ **male** tenant with the application for dispute resolution and notice of hearing on May 22, 2014. I accepted the landlord's evidence regarding service of notice of the hearing, and I proceeded with the hearing in the absence of the tenant.

### Issue(s) to be Decided

Is the landlord entitled to a monetary order?

### Background and Evidence

The tenancy began on February 1, 2014. Rent in the amount of \$1025 was payable in advance on the first day of each month. The tenant also paid \$10 for one parking spot. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$512.50. The tenant failed to pay rent in the month of May 2014 and on May 2, 2014 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant surrendered ~~her~~ **his** parking spot in the middle of May 2014 and the landlord was able to re-rent the spot immediately. On June 20, 2014 the tenant paid \$700 of ~~her~~ **his** rent for May 2014. The tenant further failed to pay rent in the month of June 2014. The tenant vacated the rental unit on June 30, 2014, and the landlord re-rented the unit for July 1, 2014.

The landlord has claimed \$325 in outstanding rent and a \$20 late rent fee for May 2014; \$1025 in unpaid rent and a \$20 late rent fee for June 2014; and \$5 for parking for the first half of May 2014.

The Landlord's evidence included the following:

- a copy of a residential tenancy agreement, signed by the tenant and the landlord on January 25, 2014, indicating monthly rent of \$1025 due on the first of each month, as well as confirming the security deposit of \$512.50 and the allowance of a \$20 fee for late payment of rent;
- a copy of the parking agreement;
- a copy of the tenant's ledger, showing the rent payment history; and
- a copy of the Landlord's Application for Dispute Resolution, filed May 21, 2014.

### Analysis

Based on the above-noted evidence, I find that the landlord has established their monetary claim, with the exception of the late rent fee for June 2014. The tenancy ended on the effective date of the notice to end tenancy, May 15, 2014, and therefore any amount that the tenant owed after that date must be considered lost revenue. The landlord cannot collect a late rent fee on lost revenue.

As their claim was mostly successful, I find that the landlord is entitled to recovery of the \$50 filing fee for the cost of their application.

### Conclusion

The landlord is entitled to \$1425. I order that the landlord retain the security deposit of \$512.50 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$912.50. 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: July 16, 2014

**Corrected: August 15, 2014**

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Residential Tenancy Branch

