



Dispute Resolution Services

Page: 1

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.

This application was first heard on June 10, 2014. The landlord was granted an order of possession and a monetary order for unpaid rent. On June 11, 2014, the tenant applied for a review hearing and his application was granted. The decision and orders from the hearing on June 10, 2014 were suspended, pending the outcome of this hearing.

The tenant received the review consideration decision along with notices of the hearing scheduled for this date and was instructed to serve the landlord with copies of the documents sent to him. The tenant served the landlord with the notice of this hearing. Despite having applied for a review hearing and having served the landlord with 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 the tenant had moved out on July 04, 2014. Since the tenant has moved out, 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 and the filing fee?

Background and Evidence

The tenancy started on October 15, 2008. The monthly rent was \$1,015.00 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 \$20.00 per month for parking.

The landlord testified that the tenant failed to pay full rent on April 01, 2014 and on April 02, 2014, the landlord served the tenant with a ten day notice to end tenancy for unpaid rent. The tenant did not dispute the notice. The tenant made some payments towards unpaid rent and the landlord issued receipts for use and occupancy only. The landlord stated that the tenant owed rent, late fees and parking fees for May and June 2014 for a total of \$2,110.00. The landlord is applying for a monetary order for this amount plus 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 her claim for unpaid rent, late fees and parking charges. Since the landlord has proven her case, I also award her the recovery of the filing fee of \$50.00.

Overall the landlord has established a claim of \$2,160.00 and I grant the landlord an order under section 67 of the *Residential Tenancy Act* for this amount. 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 **\$2,160.00**.

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: August 20, 2014

Residential Tenancy Branch

