



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Amex Sunrich Realty
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MND, MNDC, CNR, OLC, RP, FF, O

Introduction

This hearing was convened to address a claim by the landlord for a monetary order and a cross-application by the tenant for an order setting aside a notice to end this tenancy and orders compelling the landlord to comply with the Act and perform repairs. The tenant did not participate in the conference call hearing. The landlord gave evidence that he served the tenant with the application for dispute resolution and notice of hearing via registered mail sent on July 22. I found that the tenant had notice of the hearing and the claim against her and the hearing proceeded in her absence.

As the tenant did not participate in the hearing to advance her claim, the claim is dismissed without leave to reapply.

At the hearing, the landlord withdrew his claim for an order for the cost of repairs as the tenant agreed in writing that he could retain the security deposit in full satisfaction of that claim. The hearing proceeded to deal only with the landlord's claim for recovery of a strata fine and the \$50.00 filing fee paid to bring his application.

Issue to be Decided

Is the landlord entitled to a monetary order as claimed?

Background and Evidence

The landlord's undisputed evidence is as follows. The rental unit is in a strata building with a parkade. The strata bylaws, with which the tenant agreed to comply, require that parties entering or exiting the parkade wait until the gate is closed before driving away. The penalty for failing to wait is a \$200.00 fine. The landlord provided evidence showing that on or about July 9, the tenant drove away from the gate before waiting for it to close. The strata fined the landlord \$200.00 which the landlord seeks to recover.

The strata has levied an interest charge of \$1.67 as the fine was not paid by the initial due date.

Analysis

I accept the landlord's undisputed testimony and I find that the tenant incurred a strata fine of \$200.00 and I find that her failure to pay the fine in a timely manner caused \$1.67 in interest to be assessed. I find that the landlord is entitled to recover these monies and I award the landlord \$201.67.

As the landlord has been successful in his claim, I find that he is entitled to recover his filing fee and I award him \$50.00.

Conclusion

The landlord has been awarded \$251.67. I grant the landlord a monetary order under section 67 for this sum. This order may be filed in the Small Claims Division of the Provincial 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: September 17, 2014

Residential Tenancy Branch

