



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Bayside Property Services Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes FF, MNR, OPR, MNSD

Introduction

This is an application for an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, a request for a Monetary Order for outstanding rent and late fees, a request for recovery of the \$50.00 filing fee, and a request to retain the full security deposit towards the claim.

The applicant(s) testified that the respondent was served with notice of the hearing by registered mail that was mailed on July 11, 2014; however the respondent did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondent has been properly served with notice of the hearing, and I therefore proceeded with the hearing in the respondents absence.

All testimony was taken under affirmation.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Has the landlord established a monetary claim against the respondent, and if so in what amount?

Background and Evidence

The applicant testified that:

- This tenancy began on January 1, 2014 with a monthly rent of \$825.00, and the landlord holds a security deposit of \$412.50.
- The tenant failed to pay \$5.00 of the March 2014 rent, and failed to pay any rent for the month of June 2014 and therefore on June 20, 2014 a 10 day Notice to End Tenancy was posted on the tenant's door.
- To date the tenant has failed to comply with that notice and has failed to pay any further rent.
- They are therefore requesting an Order of Possession for soon as possible, and a Monetary Order for outstanding rent, plus 7 late fees as required in the tenancy agreement, as follows:

March 2014 rent outstanding	\$5.00
June 2014 rent outstanding	\$825.00
July 2014 rent outstanding	\$825.00
August 2014 rent outstanding	\$825.00
September 2014 rent outstanding	\$825.00
Late fees 7 X \$25.00	\$175.00
Filing fee	\$50.00
Total	\$3530.00

Analysis

It is my finding that the landlords have shown that the tenant has a total of \$3305.00 in rent outstanding and I therefore allow that portion of the landlords claim.

I also allow the claim for late fees, as the landlords have shown that the rent has been late a total of seven times and, since the tenancy agreement allows for late fee of \$25.00, I allow the full claim of \$175.00 for late fees.

It is also my finding that the tenant has been served with a valid 10 day Notice to End Tenancy and has failed to comply with that notice, and I therefore allow the landlords request for an Order of Possession.

I also allow the request for recovery of the \$50.00 filing fee.

Conclusion

I have allowed the landlords full claim of \$3530.00 and I therefore order that the landlord may retain the full security deposit of \$412.50 and I've issued a Monetary Order in the amount of \$3117.50.

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 09, 2014

Residential Tenancy Branch

