



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Elizabeth Manor
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. Despite having been personally served with the application for dispute resolution and notice of hearing on August 14, the tenant did not participate in the conference call hearing.

At the hearing, the landlord advised that the tenant had vacated the rental unit on August 25 and withdrew all of her claims save the claim for rent and late payment fees for August, recovery of her filing fee and an order to retain the security deposit.

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 tenancy began on July 1, 2014 at which time the tenant paid a \$375.00 security deposit. The tenant was obligated to pay \$750.00 per month in rent and failed to pay any rent whatsoever in the month of August. The tenancy agreement provides that late rent is subject to a \$25.00 late payment charge.

Analysis

I accept the landlord's undisputed testimony and I find that the tenant failed to meet his contractual obligation to pay \$750.00 in rent for August. I find that the landlord is entitled to recover the rental arrears and I award her \$750.00 as well as the \$25.00 late payment fee for that month. I further find that she should recover the filing fee paid to bring this application and I award her \$50.00.

Conclusion

The landlord has been awarded a total of \$825.00. I order the landlord to retain the \$375.00 security deposit in partial satisfaction of the claim and I grant her a monetary order under section 67 for the balance of \$450.00. 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: October 08, 2014

Residential Tenancy Branch

