



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

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. Despite having been served with the application for dispute resolution and notice of hearing (the "Hearing Documents") sent via registered mail on March 24, 2015, the tenants did not participate in the conference call hearing. I was satisfied that the tenants had notice of the claim against them and the hearing proceeded in their absence.

At the hearing, the landlord advised that after receiving the Hearing Documents, the tenants paid the amount owing with the exception of one late payment fee. The landlord advised that the tenancy was reinstated and she wished to withdraw all of her claim except for the claim for a late payment fee for March and recovery of the filing fee.

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 tenants failed to pay their rent on the first day of March 2015 as required by their tenancy agreement. The tenancy agreement provides that tenants who pay rent late are subject to a \$25.00 late payment fee.

Analysis

I accept the landlord's undisputed testimony. I find that the tenants breached their obligation to pay rent on March 1 and are therefore liable for a \$25.00 late payment fee. I award the landlord \$25.00.

As the landlord has been successful in her application, I find she should recover the \$50.00 filing fee and I award her that sum. I grant the landlord a monetary order under

section 67 for \$75.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The landlord is granted a monetary order for \$75.00.

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: May 04, 2015

Residential Tenancy Branch

