



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ECM Strata Management & Consulting
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes FF, MNDC, MNR, OPC

Introduction

This is an application brought by the Landlord(s) requesting an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, requesting a monetary order in the amount of \$1890.00, and requesting recovery of the \$50.00 filing fee.

The applicant testified that the respondent was served with notice of the hearing by registered mail that was mailed on October 7, 2015; 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 conducted the hearing in the respondent's absence.

The landlord's testimony was taken under affirmation.

Issue(s) to be Decided

At the beginning of the conference call the landlord testified that the tenant vacated the rental unit on October 12, 2015 and therefore he no longer requires an Order of Possession.

The issue we are dealing with today therefore is a request for a monetary order and recovery of the filing fee.

Background and Evidence

The landlord testified that this tenancy began on December 4, 2014 with a monthly rent of \$845.00.

The landlord further testified that the tenant failed to pay the September 2015 rent and therefore on September 8, 2015 the landlord served the tenant with a 10 day Notice to End Tenancy.

The landlord further testified that the tenant subsequently vacated the rental unit on October 12, 2015; however the tenant paid no further rent.

Landlord further stated that even though the tenant was given a copy of the Strata Bylaws at the beginning of the tenancy, the tenant breached the Strata Bylaws and as a result the landlord has been assessed a fine of \$200.00 due to several reports of noise, late-night disturbances, and loud late-night music.

The landlord is therefore requesting a monetary order as follows:

September 2015 rent outstanding	\$845.00
October 2015 rent outstanding	\$845.00
Strata fine	\$200.00
Filing fee	\$50.00
Total	\$1940.00

Analysis

It is my finding that the landlord has shown that the tenant failed to pay rent for the months of September 2015 and October 2015 totaling \$1690.00.

It is also my finding that the landlord has shown that the tenant breached the Strata Bylaws and as a result the landlord was assessed a fine of \$200.00.

Section 67 of the Residential Tenancy Act states:

67 Without limiting the general authority in section 62 (3) [*director's authority respecting dispute resolution proceedings*], if damage or loss results from a party not complying with this Act, the regulations or a tenancy agreement, the director may determine the amount of, and order that party to pay, compensation to the other party.

In this case the tenant was required to pay \$845.00 per month according to their tenancy agreement and the tenant failed to do so for the months of September 2015, and October 2015, and therefore, pursuant to section 67 of the Residential Tenancy Act, I have determined that the tenant must pay that \$1690.00 to the landlord.

It's also my finding that the Strata Bylaws were included as part of the tenancy agreement and therefore, pursuant to section 67 of the Residential Tenancy Act, I have also determined that the tenant must compensate the landlord for the \$200.00 fine that resulted from the tenants failure to comply with the bylaws.

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

Conclusion

I have issued an order for the respondent to pay \$1940.00 to the applicant.

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: December 07, 2015

Residential Tenancy Branch

