



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

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

## **DECISION**

**Dispute Codes:** OPR, MNR, MNSD, FF

### **Introduction**

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for an order of possession and for a monetary order for unpaid rent, late fees and the filing fee. The landlord also applied to retain the security and pet deposits in partial satisfaction of her monetary claim.

This hearing was originally scheduled for June 27, 2017. Both parties attended the hearing. Due to problems with receipt of evidence, the matter was adjourned to be heard on this date. The Residential Tenancy Branch served both parties with a notice of today's hearing. The landlord filed proof of having served the tenant with an evidence package by registered mail on June 13, 2016. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

The tenant moved out sometime around June 26, 2016. Since the tenant has moved out, the landlord withdrew her application for an order of possession. Therefore, this hearing only dealt with the landlord's monetary claim.

### **Issues to be decided**

Is the landlord entitled to a monetary order to recover unpaid rent, late fees the filing fee and to retain the security and pet deposits?

### **Background and Evidence**

The tenancy started on July 01, 2015 for a fixed term of one year. The monthly rent was \$980.00 due in advance on the first of each month. Prior to moving in, the tenant paid a security deposit of \$490.00 and a pet deposit of \$490.00. A tenancy agreement was filed into evidence. A clause in the agreement requires the tenant to pay a fee of \$25.00 for rent paid after the first of each month.

The landlord testified that the tenant failed to pay rent for June 2016. On June 26, 2016, the landlord found the rental unit vacant. The tenant had moved out without informing the landlord. Documents on file indicate that the tenant provided the landlord with a forwarding address on January 30, 2017. The landlord made this application in a timely manner on February 14, 2017.

The landlord stated that at the time of the hearing the tenant owed the landlord rent in the amount of \$980.00. The landlord is also claiming the late fee of \$25.00.

### **Analysis**

Based on the undisputed sworn testimony of the landlord and in the absence of evidence to the contrary, I accept the landlord's testimony in respect of his claim. I find that the tenant owes rent for June 2017 plus the late fee of \$25.00. The landlord has proven her case and is therefore also entitled to the recovery of the filing fee in the amount of \$100.00.

The landlord has established a total claim of \$1,105.00. I order that the landlord retain the security and pet deposits of \$980.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the balance due of \$125.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

### **Conclusion**

I grant the landlord a monetary order for **\$125.00**.

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: August 24, 2017

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Residential Tenancy Branch