



Dispute Resolution Services

Page: 1

Residential Tenancy Branch Office of Housing and Construction Standards

A matter regarding CASCADIA APARTMENT RENTALS
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNR, FF

Introduction

On June 16, 2017, the Landlord submitted an Application for Dispute Resolution for a monetary order for unpaid rent or utilities and to recover the cost of the filing fee. The matter was set for a conference call hearing at 1:30 p.m. on this date.

The Landlord's agent ("the Landlord") attended the teleconference hearing; however, the Tenants did not. The Landlord provided affirmed testimony that the Tenants were served with the Notice of Hearing by registered mail to the dispute address on June 24, 2017. The Landlord provided the registered mail tracking number as proof of service. I find that the Tenants have been duly served with the Notice of Hearing in accordance with sections 89 and 90 of the *Act*.

The Landlord was provided the opportunity to present her evidence orally and in written and documentary form, and to make submissions at the hearing.

Issues to be Decided

- Is the Landlord entitled to a monetary order to recover unpaid rent?
- Is the Landlord entitled to recover the cost of the filing fee?

Background and Evidence

The Landlord testified that the tenancy began on December 1, 2015, as a one year fixed term tenancy to continue thereafter as a month to month tenancy. Rent in the amount of \$1,389.00 was to be paid to the Landlord by the first day of each month.

The Landlord testified that the Tenants moved out of the rental unit on July 3, 2017, but failed to pay the rent owing under the tenancy agreement for June 2017.

The Landlord testified that she is seeking to recover a non-sufficient funds bank charge of \$25.00 for the June 2017, rent payment.

The Landlord testified that the tenancy agreement permits the Landlord to charge a late rent fee of \$25.00. The Landlord is seeking to recover the late fee of \$25.00 for June 2017.

The Landlord is seeking a monetary order in the amount of \$1,439.00.

Analysis

Based on the evidence before me, the testimony of the Landlord, and on a balance of probabilities, I make the following findings:

I find that the Tenants were served with the Notice of Hearing and failed to attend the hearing.

I find that the Tenants failed to pay the rent owing under the tenancy agreement for the month of June 2017.

I grant the Landlords request to recover the cost of the NSF fee and the late rent charge.

I find that the Landlord has established a monetary claim in the amount of \$1,439.00.

Section 72 of the Act gives me authority to order the repayment of a fee for an application for dispute resolution. I order the Tenants to repay the \$100.00 fee that the Landlord paid to make application for dispute resolution.

I grant the Landlord a monetary order in the amount of \$1,539.00. This monetary order may be filed in the Provincial Court (Small Claims) and enforced as an order of that court. The Tenants are cautioned that costs of such enforcement are recoverable from the Tenants.

Conclusion

The Tenants failed to pay the rent owing under the tenancy agreement for June 2017.

I grant the Landlord a monetary order in the amount of \$1,539.00 for unpaid rent, late fees, and the recovery of the filing fee.

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 05, 2017

Residential Tenancy Branch