



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding NPR LIMITED PARTNERS  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR, MNR, FF

### Introduction

The landlord and the tenant convened this hearing in response to applications.

The landlord's application is seeking orders as follows:

1. For an order of possession;
2. For a monetary order for unpaid rent; and
3. To recover the cost of filing the application.

The tenant's applications are seeking an order as follows:

1. To cancel a 10 Day Notice to End Tenancy for Unpaid Rent.

### Preliminary and procedural matter

Only the landlord's agent appeared.

### Landlord's application

The landlord's agent attended the hearing. As the tenant did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered.

The Residential Tenancy Branch Rules of Procedure states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The landlord's agent testified the Application for Dispute Resolution and Notice of Hearing were served by registered mail sent on February 21, 2019. Canada post tracking number was provided as evidence of service.

Section 90 of the Act determines that a document served in this manner is deemed to have been served, five days later. I find that the tenant has been duly served in accordance with the Act.

The landlord's agent stated that the tenant vacated the premises on February 28, 2019, and they do not need an order of possession.

### Tenant's applications

This matter was set for hearing by telephone conference call at 11:00 A.M on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the landlord. Therefore, as the tenant did not attend the hearing by 11:10 A.M, and the landlord appeared and was ready to proceed, I dismiss the tenant's applications without leave to reapply.

### Issue to be Decided

Is the landlord entitled to an order of possession for unpaid rent?

### Background and Evidence

The tenancy began on December 1, 2018. Rent in the amount of \$795.00 was payable on the first of each month. A security deposit of \$397.50 was paid by the tenant. The tenancy ended on February 28, 2019.

The landlord's agent testified that the tenant did not pay rent for February 2019. The landlord seeks to recover unpaid rent (\$795.00), late fee (\$25.00), and insufficient fund fee (\$25.00). The landlord seeks to recover the total amount of \$945.00. Filed in evidence is a copy of the rent ledger.

### Analysis

Based on the above, the testimony, and evidence, and on a balance of probabilities, I find as follows:

I accept the undisputed evidence of the landlord's agent that the tenant failed to pay rent for February 2019. I further find the landlord is entitled to recover the late fee, and insufficient fund fee. Therefore, I find the landlord is entitled to recover the amount of **\$845.00**.

I find that the landlord has established a total monetary claim of **\$945.00** comprised of the above amount and the \$100.00 fee paid by the landlord for this application.

I further find it appropriate to offset the above amount with the security deposit of **\$397.50**. I order that the landlord retain the security deposit in partial satisfaction of the claim and I grant the landlord an order pursuant to section 67 of the Act, for the balance due of **\$547.50**. This order may be filed in the Provincial Court (Small Claims) and enforced as an order of that court. The **tenant is cautioned** that costs of such enforcement are recoverable from the tenant.

#### Conclusion

The tenant's applications are dismissed.

The landlord is granted a monetary order, and may keep the security deposit in partial satisfaction of the claim. I grant a monetary order for the balance due.

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: March 25, 2019

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Residential Tenancy Branch