



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding COLUMBIA PROPERTY MANAGEMENT LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

OPR, MNRL-S, MNDCL-S, FFL

Introduction

This hearing was convened in response to the Landlord's Application for Dispute Resolution, in which the Landlord applied for an Order of Possession for Unpaid Rent or Utilities, a monetary Order for unpaid rent or utilities, a monetary Order for money owed or compensation for damage or loss, to retain all or part of the security deposit, and to recover the fee for filing this Application for Dispute Resolution.

The Agent for Landlord stated that on April 25, 2019 the Application for Dispute Resolution package and documents the Landlord submitted to the Residential Tenancy Branch on April 16, 2019 were sent to the rental unit for each Tenant, via registered mail. The Landlord submitted Canada Post documentation that corroborates this statement. In the absence of evidence to the contrary I find that these documents have been served in accordance with section 89 of the *Residential Tenancy Act (Act)*; however the Tenants did not appear at the hearing.

As the Tenants have been properly served with the aforementioned documents, the hearing proceeded in their absence and the evidence was accepted as evidence for these proceedings.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession?

Is the Landlord entitled to a monetary Order for unpaid rent and late fees?

Is the Landlord entitled to keep all or part of the security deposit?

Background and Evidence

The Agent for the Landlord stated that:

- this tenancy began on January 01, 2019;
- the Tenants agreed to pay rent of \$725.00 by the first day of each month;
- the Tenants paid a security deposit of \$362.50;
- the Tenants did not pay all of the rent that was due on April 01, 2019;

- a Ten Day Notice to End Tenancy for Unpaid Rent, which had an effective date of April 13, 2019, was posted on the door of the rental unit on April 03, 2019;
- on May 24, 2019 the Tenants paid all of the rent and late fees that were due;
- the Landlord is, therefore, withdrawing the application for a monetary Order for late fees and unpaid rent;
- the Landlord and the Tenants have agreed to continue this tenancy;
- the Landlord is, therefore, withdrawing the application for an Order of Possession; and
- the Landlord is only seeking compensation for the cost of filing this Application for Dispute Resolution.

Analysis

On the basis of the information provided at the hearing I find that the Landlord withdrew the application for a monetary Order for unpaid rent/late fees and the application for an Order of Possession.

On the basis of the undisputed evidence I find that the Tenants did not pay rent when it was due on April 01, 2019 and that rent was not paid for April and May, in full, until May 24, 2019. I therefore find that the Landlord had sufficient reason to file this Application for Dispute Resolution.

As the Landlord had sufficient reason to file this Application for Dispute Resolution, I find that the Landlord is entitled to recover the cost of filing this Application for Dispute Resolution.

Conclusion

The Landlord has established a monetary claim of \$100.00 in compensation for the fee paid to file this Application for Dispute Resolution. Pursuant to section 72(2) of the *Act*, I authorize the Landlord to keep \$100.00 from the Tenants' security deposit in full satisfaction of the monetary claim.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Act*.

Dated: June 03, 2019

Residential Tenancy Branch