



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

Dispute Codes: OPR, MNR, MNSD, FF

Introduction

This matter dealt with an application by the Landlord for an Order of Possession and a Monetary Order for unpaid rent and to recover the filing fee for this proceeding. The Landlord also applied to keep all or part of a security deposit.

The Landlord served the Tenant on February 03, 2009 with a copy of the Application and Notice of Hearing. I find that the Tenant was properly served pursuant to s. 89 of the Act with notice of this hearing and the hearing proceeded in her absence. At the beginning of the hearing the Landlord confirmed that the outstanding rent for February, 2009 has been paid and the Landlord is abandoning their application for an Order of Possession and a Monetary Order for unpaid rent and to keep the security deposit.

Issue(s) to be Decided

1. Is the Landlord entitled to recover late fees?
2. Is the Landlord entitled to recover the filing fees for the cost of filing the application?

Background and Evidence

The tenancy started on September 15, 2008. Rent is \$750.00 per month payable on the 1st day of each month. The Landlord said the Tenant did not pay rent for February 2009 when it was due and as a result on February 3, 2009, they posted a 10 Day Notice to End Tenancy for Unpaid Rent and Utilities dated February 3, 2009 on the Tenant's door. The Landlord said that on the day after receiving the Notice the Tenant paid the outstanding rent for February 2009. The Tenant was again late paying her rent for March 2009. This was due on March 01, 2009 and was paid to the Landlord on March 07, 2009. Consequently, the Landlord claims \$50 for late fees as provided for in the tenancy agreement for the two months of late rent payments.

Analysis

I find that the Landlord is entitled to recover **\$50.00** for two late payments of rent as well as the **\$50.00** filing fee for this proceeding. The Landlord will receive a monetary order as follows:

Late fees X2	\$50.00
Filing fee for application	\$50.00
Total	\$100.00

Conclusion

A Monetary Order in the amount of **\$100.00** has been issued to the Landlord and a copy of the Order must be served on the Tenant. The Monetary Order may be enforced in the Provincial (Small Claims) Court of British Columbia.