



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Alpine Lake Suites
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNSD, MNDC, FF

Introduction

This matter dealt with an application by the landlord for a Monetary Order for compensation for unpaid rent, late fees and utilities to recover the filing fee for this proceeding and to keep the tenant's security deposit in partial payment of those amounts. Only the landlord attended.

Issues(s) to be Decided

Is the landlord entitled to compensation and if so, how much?

Background and Evidence

The landlord testified that he served the tenant with a copy of this application on May 29, 2014 by registered mail. After searching Canada Post's web site I find that the landlord has sufficiently served the tenant with the Application for Dispute Resolution.

Based upon the evidence of the landlord I find that this month to month tenancy started on March 1, 2012 and ended in February 2013 when the tenant moved out. Rent was originally \$ 1,175.00 then reduced to \$ 813.00 when the tenant changed suites. The tenant paid a security deposit of \$ 587.50 on February 13, 2012. The landlord testified that there were arrears of rent throughout the tenancy amounting to \$ 1,532.50, unpaid Hydro utilities of \$ 130.06, and late payment fees for four months of \$ 200.00 for a total claim of \$ 1,862.56.

Analysis

I find that the tenant was served with the application for dispute resolution as per his evidence. I find based upon the evidence of the landlord and in absence of any evidence from the tenant that all of the items claimed by the landlord are reasonably incurred. I find that the landlord has proven a claim totalling \$ 1,862.56. As the landlord has been successful in this matter, I find pursuant to s. 72 of the Act that he is also entitled to recover the \$50.00 filing fee for this proceeding. I order the landlord

pursuant to s. 38(4) of the Act to retain the tenant's security deposit inclusive of interest amounting to \$ 587.50.00 in partial payment of the rent arrears. The landlord will receive a Monetary Order for the balance owing of \$ 1,325.06.

Calculation of Monetary Award

Rental Arrears	\$ 1,532.50
Late payment fees	\$ 200.00
Hydro	\$ 130.06
Filing Fees for the cost of this application	\$ 50.00
Less Security Deposit and interest	-\$ 587.50
Total Monetary Award	\$ 1,325.06

Conclusion

In summary I ordered that the respondent pay to the applicant the sum of \$ 1,862.56 in respect of this claim plus the sum of \$ 50.00 in respect of the filing fee for a total of \$ 1,912.56. I order that the landlord retain the security deposit amounting to \$ 587.50 inclusive of interest. I grant the landlord a Monetary Order in the amount of **\$ 1,325.06** and a copy of it must be served on the tenant. If the amount is not paid by the tenant, the Order may be filed in the Provincial (Small Claims) Court of British Columbia and enforced as an Order of that Court.

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: September 22, 2014

Residential Tenancy Branch

