



# Dispute Resolution Services

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

## Decision

Dispute Codes: OPR, MNR, MNSD, MNDC, FF

## Introduction

The Agent for the Landlord stated that copies of the Application for Dispute Resolution and Notice of Hearing were personally served on the Tenant on August 14, 2008. These documents are deemed to have been served in accordance with section 89 of the *Act*, however the Tenant did not appear at the hearing.

At the beginning of the hearing the Agent for the Landlord withdrew the application for an Order of Possession for unpaid rent; a monetary Order for unpaid rent; a monetary Order for money owed or compensation for damage or loss under the *Residential Tenancy Act (Act)*; and for authorization to keep all or part of the security deposit.

## Issue(s) to be Decided

The issues to be decided are whether the Landlord is entitled to recover the filing fee from the Tenant for the cost of the Application for Dispute Resolution, pursuant to sections and 72 of the *Act*.

## Background and Evidence

The Agent for the Landlord stated that a ten (10) day Notice to End Tenancy for non-payment of rent, which had an effective date of August 13, 2008, was served on the Tenant. The Agent stated that the Tenant paid all of the outstanding rent on September 09, 2008, and that the Landlord has agreed to withdraw the Notice to End Tenancy and to continue this tenancy.

## Analysis

I find that the Landlords application had merit, regardless of the fact that the parties subsequently were able to resolve this dispute. On this basis, I find that the Landlord is entitled to recover the filing fee from the Tenant for the cost of this Application for Dispute Resolution.

## Conclusion

I find that the Landlord has established a monetary claim, in the amount of \$50.00, which is comprised \$50.00 in compensation for the filing fee paid by the Landlord for this Application for Dispute Resolution.

Based on these determinations I grant the Landlord a monetary Order for the amount of \$50.00. In the event that the Tenant does not comply with this Order, it may be served on the Tenant, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

Date of Decision: September 11, 2008

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