



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 hearing was scheduled in response to the Landlord's Application for Dispute Resolution, in which the Landlord has made application for an Order of Possession for Unpaid Rent, a monetary Order for unpaid rent, to retain all or part of the security deposit, and to recover the filing fee from the Tenant for the cost of this Application for Dispute Resolution. At the beginning of the hearing the Agent for the Landlord withdrew all of his applications, with the exception of the application to recover the filing fee.

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 September 17, 2008 or September 18, 2008. These documents are deemed to have been served in accordance with section 89 of the *Residential Tenancy Act (Act)*, however the Tenant did not appear at the hearing.

Issue(s) to be Decided

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

Background and Evidence

The Agent for the Landlord stated that a Notice to End Tenancy for Cause, which had an effective date of September 12, 2008, was served on the Tenant. He stated that the Tenant has paid all of the outstanding rent and that the parties came to a mutual agreement to continue with the tenancy after he filed his Application for Dispute Resolution. He requested to be reimbursed for the cost of filing the Application for Dispute Resolution, as the matter had not been resolved prior to filing the application.

Analysis

I find that the Landlord is entitled to recover the filing fee from the Tenant for the cost of this Application for Dispute Resolution, as the Landlord may not have had to file an Application if the Tenant had paid her rent when it was due.

Conclusion

I find that the Landlord has established a monetary claim, in the amount \$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: October 23, 2008