



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

Decision

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.

The Agent for the Landlord stated that she mailed the Application for Dispute Resolution Package to the Tenant, via registered mail, on January 29, 2009, January 30, 2009 or January 31, 2009. She stated that she can not locate the Canada Post receipt showing that she mailed the documents. In the absence of evidence to the contrary, I find that the Tenant was served with notice of this hearing, although he failed to attend.

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 January 17, 2009, was posted on the front door of the rental unit on January 07, 2009. The Notice indicated that the Tenant is presumed to have accepted that the tenancy is ending and that the Tenant must move out of the rental by the date set out in the Notice unless the Tenant pays the outstanding rent or files an Application for Dispute Resolution within five days of the date they are deemed to have received the Notice.

The Agent for the Landlord stated that the Tenant paid all of the outstanding money owed to the Landlord on February 28, 2009 and that they agreed to reinstate the tenancy. On this basis, the Agent for the Landlord withdrew the application for an Order of Possession for Unpaid Rent, a monetary Order for unpaid rent, and to retain all or part of the security deposit.

The Landlord is still seeking to recover the filing fee from the Tenant for the cost of this Application for Dispute Resolution. As the Landlord's application has merit, I find that the Landlord is entitled to recover the \$50.00 paid for this Application for Dispute Resolution and I grant the Landlord a monetary Order in the amount of \$50.00.

Date of Decision: March 12, 2009.
