

## **Decision**

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

### **Introduction**

This hearing dealt with an application from the landlord for an order of possession, a monetary order as compensation for unpaid rent, compensation for damage or loss under the Act, regulation or tenancy agreement, retention of the security deposit, and recovery of the filing fee. The landlord's agent participated in the hearing and gave affirmed testimony. Despite being served by way of registered mail with the application for dispute resolution and notice of hearing, the tenant did not appear.

### **Issues to be decided**

- Whether the landlord is entitled to any or all of the above under the Act

### **Background and Evidence**

Pursuant to a written residential tenancy agreement, the month-to-month tenancy began on February 1, 2003. Currently, rent in the amount of \$775.00 is payable in advance on the first day of each month. A security deposit of a presently undetermined amount was collected at the outset of tenancy.

Arising from rent which had not been fully paid when due by November 1, 2009, the landlord issued a 10 day notice to end tenancy for unpaid rent dated November 4, 2009. The notice was served by posting on the tenant's door on that same date. A copy of the notice was submitted into evidence.

Subsequently, even while the tenant neither paid all of the overdue rent nor filed an application to dispute the notice within 5 days of receiving it, over time the tenant has made payments towards rent and is currently not in arrears. For this reason, during the hearing the landlord's agent withdrew all aspects of the original application with the exception of application for recovery of the \$50.00 filing fee.

### **Analysis**

Based on the documentary evidence and undisputed testimony of the landlord's agent, as above, I find that the landlord has established entitlement to a claim of \$50.00 for recovery of the filing fee. Accordingly, I grant the landlord a monetary order under section 67 of the Act for this amount.

### **Conclusion**

Pursuant to section 67 of the Act, I hereby issue a monetary order in favour of the landlord in the amount of **\$50.00**. Should it be necessary, this order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

DATE: January 8, 2010

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Dispute Resolution Officer