

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, FF

Introduction

This hearing dealt with the landlord's application for an Order of Possession, a Monetary Order for unpaid rent, retention of the security deposit and damage or loss under the Act, regulation or tenancy agreement. The landlord also requested recovery of the filing fee. The tenant did not appear at the hearing. The landlord testified the tenant was notified of this hearing via registered mail sent to the rental unit and that the tenant still resides in the rental unit. Upon review of the registered mail receipt I was satisfied the tenant was notified of this hearing and I proceeded to hear from the landlord without the tenant present.

At the commencement of the hearing the landlord testified that the tenant has paid all of the rental arrears since this application was made and the landlord has agreed to continue with the tenancy. The landlord stated that recovery of the filing fee is the only outstanding issue to determine.

Issues(s) to be Decided

1. Is the landlord awarded recovery of the filing fee paid for this application?

Background and Evidence

I was provided evidence that the tenancy started April 30, 2009 and the tenant is required to pay rent of \$800.00 and parking of \$25.00 on the 1st day of every month. The tenant paid a \$400.00 security deposit. On January 13, 2010 the landlord issued a 10 Day Notice to End Tenancy for Unpaid Rent indicating rent January 2010 was outstanding. The tenant made two partial payments to the landlord before the landlord made this application but had not paid the full outstanding rent. The tenant paid the remainder of outstanding rent after this application was made.

Analysis

Based upon the landlord's agreement to continue with the tenancy I do not provide an Order of Possession and I accept that this tenancy continues. Based upon the landlord's testimony that the tenant has recently paid the rental arrears I find the landlord's monetary claims have been satisfied. However, I am satisfied that at the time the landlord made this application the tenant had not paid all of the outstanding rent for January 2010 and the landlord had grounds to end the tenancy and obtain a Monetary Order against the tenant for unpaid rent. Therefore, I find the landlord entitled to recover the filing fee paid for making the application.

In light of the above findings, the tenant is ordered to pay the landlord \$50.00 for filing fee paid by the landlord for this application. The landlord is provided a Monetary Order in the amount of \$50.00 to ensure payment is made.

Conclusion

The tenancy continues by agreement of the landlord. The unpaid rent has been paid since this application was made. The landlord is awarded recovery of the filing fee and has been provided a Monetary Order in the amount of \$50.00 to serve upon the tenant.

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: March 31, 2010.

Dispute Resolution Officer