Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes   OPR, MNR, MNSD, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord for an order of possession, a monetary order for unpaid rent, an order to retain the security deposit in partial satisfaction of the claim and to recover the filing fee for the Application.

Although served with the Application for Dispute Resolution and Notice of Hearing by registered mail, sent on August 18, 2010, and deemed to be served five days later under the Act, the Tenant did not appear.

An Agent for the Landlord appeared, gave affirmed testimony and was provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

Issue(s) to be Decided

Has the Tenant breached the Act or tenancy agreement, entitling the Landlord to an Order of Possession and monetary relief?

Background and Evidence

Based on the testimony of the Landlord's Agent, I find that the Tenant was served with a Notice to End Tenancy for non-payment of rent on August 5, 2010, by posting at the rental unit door. The Notice informed the Tenant that the Notice would be cancelled if the rent was paid within five days. The Notice also explains the Tenant had five days to dispute the Notice.

The Agent for the Landlord testified that the Tenant did pay the August rent but not until the end of the month and after the Landlord had filed this Application. The Agent testified that while the Landlord had reinstated the tenancy, the Landlord still wants to recover the $50.00 filing fee for the Application.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

I find the Tenant breached the Act by failing to pay rent when due under the Act. While the tenancy has been reinstated, the breach of the Act by the Tenant has caused the Landlord to suffer a loss of $50.00 by having to file this Application.

Under section 67 of the Act, I find the Tenant's breach caused the Landlord to suffer a loss, and I order the Tenant to pay the Landlord the sum of **$50.00**

This order may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.

I dismiss the rest of the Landlord's Application.

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: October 05, 2010.

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Dispute Resolution Officer