

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an Order of Possession pursuant to section 55;
- a monetary order for unpaid rent and utilities pursuant to section 67; and
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

The tenant did not attend this hearing. The landlord attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions. The landlord testified that the notice to end tenancy for non-payment of rent was handed to the tenant on July 4, 2010. The landlord testified that two individuals, WDL and GN, handed the tenant the application for dispute resolution hearing package on July 27, 2010. I am satisfied that the landlord served these documents to the tenant in accordance with the *Act*.

The landlord testified that the parties had entered into an agreement whereby the tenant could remain in the rental premises and the landlord would not be pursuing either the Order of Possession or the application for a monetary Order. She withdrew the landlord's applications for the Order of Possession and the monetary Order.

The landlord requested recovery of the \$50.00 filing fee for this application from the tenant in accordance with the agreement between the landlord and the tenant.

Analysis and Conclusion

The landlord has withdrawn the application for an Order of Possession and a monetary Order. Recovery of an applicant's filing fee is usually reserved for situations where an applicant has been successful in the application. Based on the evidence submitted, I am not satisfied that the landlord was successful in obtaining the outcomes sought in this application and, as a result, I do not allow the landlord to recover the filing fee for this 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*.