

Decision

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

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order as compensation for unpaid rent, compensation for damage to the unit, 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 mailing of the application for dispute resolution and notice of hearing (the "hearing package") by way of registered mail, neither tenant appeared.

Issues to be decided

- Whether the landlord is entitled to any or all of the above under the Act, regulation or tenancy agreement

Background and Evidence

Pursuant to a written tenancy agreement, a copy of which is not in evidence, the fixed term of tenancy is from November 1, 2009 to October 31, 2010. Rent in the amount of \$1,115.00 is payable in advance on the first day of each month. A security deposit of \$557.50 was collected at the outset of tenancy.

Arising from rent which was unpaid when due on September 1, 2010, the landlord issued a 10 day notice to end tenancy for unpaid rent dated September 3, 2010. The notice was served by way of posting on the tenants' door on that same date. A copy of the notice was submitted into evidence. Subsequently, the tenants paid the full amount of overdue rent for September, as well as the rent due for October, and the tenants continue to reside in the unit.

As a result of the full payment of all rent due to the present, the landlord withdrew all aspects of the original application with the exception of recovery of the filing fee.

Analysis

Based on the documentary evidence and affirmed / undisputed testimony of the landlord's agent, I find that the hearing packages were served on the tenants in accordance with the Act.

Further, all aspects of the landlord's application are hereby dismissed with the exception of the application for the filing fee.

Despite resolution of the dispute between the parties directly, as the landlord's application was made as a result of the tenants' failure to pay September's rent when due, I find that the landlord is entitled to recover the \$50.00 filing fee.

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 tenants, filed in the Small Claims Court and enforced as an order of that Court.

DATE: October 28, 2010

Dispute Resolution Officer