



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

OPR; MNR; MNSD; FF

Introduction

This is the Landlords' application for an Order of Possession; a Monetary Order for unpaid rent; to retain the security deposit in partial satisfaction of their monetary claim; and to recover the cost of the filing fee from the Tenants.

The Landlord and his witness gave affirmed testimony at the Hearing.

The Landlord testified that he served the Tenants with the Notice of Hearing Documents, in person, at the rental unit on November 5, 2010. The Landlord's witness testified that he was present when the documents were served.

Based on the affirmed testimony of the Landlord and his witness, I am satisfied that the Tenants were served with the Notice of Hearing documents. Despite being served, the Tenants did not sign into the teleconference and the Hearing continued in their absence.

Preliminary Matters

The Landlord testified that the parties have resolved this matter. He stated that the Tenants have paid rent in full for the month of November and have agreed to make monthly instalments for unpaid rent for September and October, 2010.

Analysis

The Landlords have reinstated the tenancy and therefore their applications for an Order of Possession and Monetary Order for unpaid rent is dismissed.

The parties have come to an agreement but not until after the Landlords filed an Application for an Order of Possession and to recover unpaid rent. Therefore I allow the Landlord's application to recover the cost of the filing fee from the Tenants.

Pursuant to the provisions of Section 72(2)(b) of the Act, the Landlords may apply \$50.00 from the security deposit.

Conclusion

The Landlords' application for an Order of Possession and Monetary Order is dismissed.

The Landlords may apply \$50.00 from the security deposit, representing recovery of the cost of filing their Application for Dispute Resolution.

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: December 07, 2010.
