

DECISION

Dispute Codes OPR, MNR, MNDC, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession for unpaid rent, a monetary order for unpaid rent, money owed or compensation for damage or loss and recovery of the filing fee. The landlord participated in the conference call hearing but the tenants did not. The landlord presented evidence that the tenants were served with the application for dispute resolution and notice of hearing by registered mail. I found that the tenants had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence.

Issues to be Decided

Is the landlord entitled to any of the above under the Act.

Summary of Background and Evidence

This fixed term tenancy started December 1, 2010 with rent of \$695.00, the tenant paid a security deposit of \$347.50. On December 3, 2010 the landlord served the tenant with a 10 Day Notice to End Tenancy for Unpaid Rent.

The landlord's agent testified that the tenant has paid all of the past due rent in full and that the landlord's agent was withdrawing the 10 Day Notice to End Tenancy for Unpaid Rent and continuing the tenancy.

The landlord's agent no longer requires an order of possession or a monetary order for the unpaid rent and this portion of the landlord's application is dismissed.

The landlord's agent is requesting a monetary order for \$50.00 which is the cost of bringing this application forward.

Analysis

Based on the documentary evidence and testimony that the tenant has paid all rent due and the landlord has set aside the notice to end tenancy, the tenancy continues in full force and effect.

The landlord is entitled to recovery of the \$50.00 filing fee.

Conclusion

The landlord's 10 Day Notice to End Tenancy for Unpaid Rent dated December 3, 2010 is set aside with the result that the tenancy continues uninterrupted.

I find that the landlord has established a monetary claim for \$50.00 in recovery of the cost to bring this application forward.

A monetary order in the amount of **\$50.00** has been issued to the landlord and a copy of it must be served on the tenant. If the amount is not paid by the tenant, the Order may be filed in the Provincial (Small Claims) Court of British Columbia and enforced as an order of that court.

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: January 13, 2011

Dispute Resolution Officer