

## **DECISION**

Dispute Codes      OPR, MNR, 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 and recovery of the filing fee. Both parties participated in the conference call hearing.

### 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 May 15, 2010 with rent of \$699.00, the tenants paid a security deposit of \$349.50 and a pet damage deposit of \$349.50. On January 3, 2011 the landlord served the tenants with a 10 Day Notice to End Tenancy for Unpaid Rent.

The landlord testified that the tenants have since paid their January 2011 rent in full and also paid their February 2011 rent. As the rent has been paid in the full the landlord is withdrawing their request for an order of possession and for a monetary order for unpaid rent. The landlord is seeking the cost to bring this application forward.

The tenant testified that as she verbally advised her landlord on January 1, 2011 that she would pay the balance of the rent due by January 19, 2011 and the tenant did not feel that she should be responsible for payment the \$50.00 filing fee.

### Analysis

Based on the documentary evidence and testimony I find that the tenant was properly served with a notice to end tenancy for non-payment of rent. As the tenant has now paid all rent owed to the landlord, the landlord in this hearing withdrew the request for an order of possession and a monetary order for unpaid rent and these portions of the landlords application are hereby dismissed.

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

### Conclusion

The landlord's request for an order of possession and a monetary order for unpaid rent are dismissed without leave to reapply.

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

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: February 1, 2011

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Residential Tenancy Branch