

DECISION

Dispute Codes OPR, MNR, MNSD, 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, to keep all or part of the security deposit 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 tenancy started July 15, 2010 with monthly rent of \$1450.00, the tenants paid a security deposit of \$725.00. On January 12, 2011 the landlord served the tenants with a 10 Day Notice to End Tenancy for Unpaid Rent.

The landlord's agent testified that the tenants have paid all of the rent owing the landlord and requested that the 10 Day Notice to End Tenancy for Unpaid Rent be set aside. The landlord's agent stated that the tenancy would continue uninterrupted.

The landlord's agent is requesting recovery of the \$50.00 filing fee to bring this application forward.

Analysis

As the tenants have paid the rent in full the 10 Day Notice to End Tenancy for Unpaid Rent is hereby set aside.

Accordingly, the tenancy continues in full force and effect.

Conclusion

The 10 Day Notice to End Tenancy for Unpaid Rent dated January 12, 2011 is hereby set aside.

Accordingly, the tenancy continues in full force and effect.

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 11, 2011

Residential Tenancy Branch