

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This is an application by the Landlord for an order of possession resulting from a notice to end tenancy, a monetary order request for unpaid rent or utilities, to keep all or part of the pet damage deposit or security deposit and the recovery of the filing fee.

The Landlord attended the hearing by conference call. The Tenant did not attend.

At the beginning of the hearing, the Landlord stated that he no longer wished to apply for an order of possession and a monetary order as the Tenant has made payment of the unpaid rent after receiving the notice. The Landlord at this time only wishes to recover the cost of the filing fee.

Issue(s) to be Decided

Is the Landlord entitled to a monetary order for the recovery of the filing fee?

Background and Evidence

The Tenant was served with the notice of hearing documents by registered mail on February 3, 2011 after being served by posting on the door on January 4, 2011.

Analysis

I find that the Landlord has properly served the Tenant with the notice to end tenancy and the notice of hearing documents. I find that as the Landlord no longer wishes to obtain an order of possession and a monetary order because the Tenant has made payment of the unpaid rent, I am satisfied that the Landlord is entitled to the recovery of the \$50.00 filing fee. I order that the Landlord may retain \$50.00 from the Tenant's security deposit as satisfaction of this claim.

Conclusion

The Landlord may retain \$50.00 from the Tenant's security deposit.

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 21, 2011.

Residential Tenancy Branch