



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes OPR, MNR, MNDC, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord for an order of possession, a monetary order and to recover the filing fee.

Although served with the Application for Dispute Resolution and Notice of Hearing by registered mail on February 23, 2011, the Tenants did not appear.

The Landlord's Agent appeared, gave affirmed testimony and was provided the opportunity to present his evidence orally and in written and documentary form, and make submissions to me.

At the outset of the hearing, the Landlord's Agent stated that the Tenants had paid the unpaid rent and that the Landlord, while still requesting the filing fee, was no longer seeking a monetary order or an order of possession. As a result, I amended the Application to recover the filing fee from the Tenants.

Issue(s) to be Decided

Has the Tenant breached the *Residential Tenancy Act* (the "Act") or tenancy agreement, entitling the Landlord to an order for reimbursement of the filing fee?

Background and Evidence

The evidence indicates that the Tenants were served with a 10 Day Notice to End Tenancy for Unpaid Rent (the "Notice") on February 2, 2011, by posting on the door. The Notice stated the amount of unpaid rent was \$1,153.00.

The Notice informed the Tenants that the Notice would be cancelled if the rent was paid within five days. The Notice also explained the Tenants had five days to dispute the Notice.

The Tenants did not apply to dispute the Notice, but did pay the rent in full, according to the Landlord's Agent.

Analysis

Based on the above testimony and evidence, and on a balance of probabilities, I find as follows:

The Tenants owed outstanding rent when the Notice was issued. Therefore I find that the Landlord has established a total monetary claim of **\$50.00** for the fee paid by the Landlord for this application.

I grant the Landlord an order under section 72 for the amount of **\$50.00**.

This order may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.

Conclusion

The Landlord is granted a monetary order for **\$50.00**.

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: March 16, 2011.

Residential Tenancy Branch