

## **DECISION**

**Dispute Codes:** OPR, MNR, MNDC and FF

### **Introduction**

This application was brought by the landlord on May 16, 2011 seeking an Order of Possession pursuant to a 10-day Notice to End Tenancy for unpaid rent served by posting on the tenants' door on May 4, 2011. The landlord also sought a Monetary Order for the unpaid rent, loss of rent and recovery of the filing fee for this proceeding.

### **Issues to be Decided**

This application requires a decision on whether the landlord is entitled to an Order of Possession and a Monetary Order for the unpaid rent and filling fee.

### **Background and Evidence**

This tenancy began on December 6, 2001. Rent is \$912 per month and the landlord holds a security deposit of \$375 paid on December 18, 2001.

During the hearing, the landlord gave evidence that the Notice to End Tenancy of May 4, 2011 had been served after the May rent had not been rent for May 2011 and paid the April rent very late in the month following another Notice issued on April 4, 2011. The tenant stated that he had not seen the May notice but did not question the building manager's statement that it had been posted.

At the time of the hearing, the outstanding rent had been paid although not within the five days of receipt of the notice that would have extinguished it.

On the tenant's request for another chance, the landlord agreed to withdraw the request for an Order of Possession on the strict condition that the tenants arrange for payment of the rent by direct debit.

On the tenant's promise to provide the necessary documentation immediately, the landlord withdrew the request for the Order of Possession and asked only for a Monetary Order for \$50 to recover the filing fee.

### **Analysis**

I find that this application was made necessary by the tenants' late payment of rent. Therefore, as authorized under section 72(1) of the *Act*, I find that the landlord is entitled to recover the filing fee from the tenant.

### **Conclusion**

The landlord's copy of this decision is accompanied by a Monetary Order for \$50.00, enforceable through the Provincial Court of British Columbia, for service on the tenants.

June 8, 2010