



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNDC, FF

Introduction

A substantial amount of documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The respondent was served with notice of the hearing by hand on May 20, 2011, but did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is an application for an Order of Possession based on a Notice to End Tenancy for non-payment of rent, a request for a monetary order for outstanding rent, and a request for recovery of the filing fee.

At the hearing the applicant withdrew the request for the monetary order and for the Order of Possession, stating that the full rent has now been paid and they are going to allow the tenancy to continue.

The applicant is therefore now only requesting an order for recovery of the \$50.00 filing fee.

Background and Evidence

The applicant testified that:

- The tenant had fallen behind in the rent and therefore on May 2, 2011 they served the tenant with a 10 day Notice to End Tenancy.
- The tenant failed to comply with that notice and had failed to pay the outstanding rent and therefore on May 18, 2011 they applied for dispute resolution.
- After the tenant was served with the notice of today's hearing the tenant paid the full outstanding rent and therefore rent is now completely up-to-date.
- They have therefore decided to allow the tenancy to continue and no longer request a monetary order or an Order of Possession.
- They would however like an order for the \$50.00 filing fee, because the tenant did not pay the outstanding amount until after they had already paid that fee.

Analysis

It is my decision that since the tenant did not pay the outstanding rent until after receiving both the Notice to End Tenancy, and a notice for dispute resolution, that I will allow the landlords request for recovery of the \$50.00 filing fee.

Conclusion

I have issued a monetary order in the amount of \$50.00.

The remainder of the applicants claim has been withdrawn.

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: June 13, 2011.

Residential Tenancy Branch