



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MNDC, FF

### Introduction

This matter dealt with an application by the Landlord for an Order of Possession and a Monetary Order for unpaid rent, for compensation for loss or damage under the Act or tenancy agreement and to recover the filing fee for this proceeding.

The Landlord said she served the Tenants with the Application and Notice of Hearing (the “hearing package”) by registered mail on May 17, 2011. Based on the evidence of the Landlord, I find that the Tenants were served with the Landlord's hearing package as required by s. 89 of the Act and the hearing proceeded in the Tenants absences.

### Issues(s) to be Decided

1. Does the Landlord have grounds to end the tenancy?
2. Are there rent arrears and if so, how much?
3. Is the Landlord entitled to compensation for unpaid rent and if so how much?
4. Is the Landlord entitled to keep the Tenant's security deposit?

### Background and Evidence

This tenancy started on October 1, 2008 as a month to month tenancy. Rent is \$800.00 per month payable in advance of the 1<sup>st</sup> day of each month. The Tenant paid a security deposit of \$377.50 on September 29, 2008.

The Landlord said that the Tenant paid the unpaid May, 2011 rent in the amount of \$400.00 on May 18, 2011 and the Tenant paid the June, 2011 rent of \$800.00 on June 1, 2011. The Landlord continued to say there is no unpaid rent at this time; therefore she is withdrawing her request for an Order of Possession as she is willing to continue the tenancy. The Landlord said she does want to recover the filing fee of \$50.00 for this proceeding therefore she requested a Monetary Order for the amount of \$50.00.

Analysis

I accept the Landlord's testimony that the Tenant had unpaid rent of \$400.00 in May, 2011, which now has been paid by the Tenant. As the Landlord has incurred the cost of the filing fee of \$50.00 for this proceeding because of the Tenants' late rent payment I award the Landlord the filing fee of \$50.00 for this proceeding. The Landlord will receive a monetary order for \$50.00 to recover the filing fee from the Tenants.

Conclusion

A Monetary Order in the amount of \$50.00 has been issued to the Landlord. A copy of the Order must be served on the Tenants and the Monetary Order may be enforced in the Provincial (Small Claims) Court of British Columbia.

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*.

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Residential Tenancy Branch