



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MNSD, FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord for an order of possession, a monetary order for unpaid rent, an order to retain the security deposit in partial satisfaction of the claim and to recover the filing fee for the Application.

Although served with the Application for Dispute Resolution and Notice of Hearing by registered mail, sent on May 18 and deemed to be received five days later under the Act, the Tenant did not appear. I find the Tenant has been duly served in accordance with the Act.

An Agent for the Landlord appeared, gave affirmed testimony and was provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

At the outset of the hearing, the Agent for the Landlord testified that the Tenant had paid the outstanding rent after the Application was filed, and the Landlord was reinstating the tenancy. Therefore, the Landlord was requesting an order just for the recovery of the filing fee for the Application.

### Issue(s) to be Decided

Has the Tenant breached the Act or tenancy agreement, entitling the Landlord to monetary relief?

### Background and Evidence

The Agent testified that the Tenant was served with a Notice to End Tenancy for non-payment of rent on May 6, 2011, by posting on the door. The Notice informed the Tenant that the Notice would be cancelled if the rent was paid within five days. The Notice also explains the Tenant had five days to dispute the Notice.

The Tenant did not dispute the Notice and did not pay the outstanding rent until after the Landlord filed this Application.

### Analysis

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

The Tenant has breached the tenancy agreement and Act by not paying the rent on time.

I find the Landlord had to file this Application in order to receive the rent money from the Tenant.

Therefore, I find the Tenant's breach has caused the Landlord to suffer a loss of \$50.00, and I grant the Landlord an order under section 67 for the balance due of **\$50.00**.

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

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 15, 2011.

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Residential Tenancy Branch