

Decision

Dispute Codes: OPR, MNR, MNSD, FF

Introduction / Background / Evidence

This hearing was convened in response to the landlord's application for an order of possession / a monetary order as compensation for unpaid rent or utilities / retention of the security deposit / and recovery of the filing fee. The landlord participated in the hearing and gave affirmed testimony. The tenant did not appear.

Pursuant to a written tenancy agreement, the term of tenancy is from March 1 to August 31, 2011. Monthly rent is \$800.00 and is due and payable in advance on the first day of the month. A security deposit of \$400.00 was collected.

Arising from rent which was unpaid when due on June 1, 2011, the landlord issued a 10 day notice to end tenancy for unpaid rent or utilities dated June 4, 2011. The notice was served in person on the tenant on that same date.

The landlord testified that, subsequent to the filing of the application on June 15, 2011, the tenant paid rent and the applicable fees for late payment of rent for both of the months of June and July. The landlord therefore withdrew the application for an order of possession, as well as the application for a monetary order as compensation for unpaid rent or utilities. However, the landlord still seeks to recover the filing fee.

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, the details of which are set out above, I find that the landlord has established entitlement to recovery of the \$50.00 filing fee. Accordingly, I hereby order that the landlord retain this amount from the security deposit at the end of tenancy.

Conclusion

I hereby ORDER that the landlord may recover the \$50.00 filing fee by way of withholding that amount from the tenant's security deposit at the end of tenancy.

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*.

DATE: July 18, 2011

Residential Tenancy Branch