



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNR, MNSD, OPR

Introduction

Some 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 registered mail that was mailed on July 28, 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 a request for an order possession based on a Notice to End Tenancy for non-payment of rent, a request for a monetary order for \$1100.00, and a request for recovery of the \$50.00 filing fee.

Background and Evidence

The applicant testified that:

- The respondent failed to pay the rent for July 2011 and therefore on July 4, 2011 they serve the respondent with a 10 day Notice to End Tenancy.
- They subsequently applied for dispute resolution on July 18, 2011.

- Since applying for dispute resolution the tenant has paid all outstanding rent, and they have therefore decided to allow this tenancy to continue.
- Therefore they are withdrawing their request for an Order of Possession and since there is no rent outstanding at this time there are also withdrawing their request for a Monetary Order for outstanding rent.
- They are however requesting recovery of the filing fee since the outstanding rent was not paid until after they applied for dispute resolution

Analysis

It is my decision that I will allow the claim for recovery of the filing fee because at the time that the landlords apply for dispute resolution there was still a significant amount of rent outstanding, and the tenant had failed to comply with the valid Notice to End Tenancy.

Conclusion

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

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: August 25, 2011.

Residential Tenancy Branch