



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNDC, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession for unpaid rent, money owed or compensation for damage or loss and recovery of the filing fee.

The landlord participated in the conference call hearing but the tenants did not. The landlord presented evidence that the tenants were served with the application for dispute resolution and notice of hearing by registered mail. I found that the tenants had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence.

Issue(s) to be Decided

Is the landlord entitled to any of the above under the Act.

Background and Evidence

This tenancy began August 13, 2010 with monthly rent of \$1199.00 and the tenants paid a security deposit of \$599.50 and a pet damage deposit of \$599.50. On July 12, 2011 the landlord served the tenants with a 10 Day Notice to End Tenancy for Unpaid Rent. The tenants have not filed to dispute this notice.

The landlord testified that the tenants have paid their rent in full, the landlord is no longer seeking an order of possession or a monetary order for unpaid rent and the landlord has requested to withdraw these portions of their application.

The landlord has however requested that they be granted recovery of the filing fee.

Analysis

The landlord has withdrawn their application for an order of possession and a monetary order for unpaid rent as after being served with the 10 Day Notice for Unpaid Rent the tenants paid the rent in full.

Accordingly, the notice to end tenancy is hereby set aside and the tenancy continues in full force and effect.

The landlord has requested and is entitled to recovery of the \$50.00 filing fee.

Conclusion

The landlord's 10 Day Notice to End Tenancy for Unpaid Rent dated July 12, 2011 is hereby set aside with the result that the tenancy continues uninterrupted.

The landlord is entitled to recovery of the \$50.00 filing fee and I grant the landlord a monetary order under section 67 for the amount of **\$50.00**.

If the amount is not paid by the tenants, the Order may be filed in the Provincial (Small Claims) Court of British Columbia 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: September 7, 2011

Residential Tenancy Branch