



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR FF

### Introduction

This hearing dealt with an application by the landlord for a monetary order for unpaid rent and recovery of the filing fee for the cost of the application. Both the landlord and the tenant participated in the teleconference hearing.

At the outset of the hearing, the landlord stated that they had resolved the issue of the outstanding rent with the tenant. Accordingly, I dismiss that portion of the landlord's application.

### Issue(s) to be Decided

Is the landlord entitled to recovery of their filing fee?

### Background and Evidence

The tenancy began on March 1, 2003.

The landlord stated that the tenant has been behind in her rent since 2009. The landlord is entitled to recovery of their filing fee on the basis that they would not have resolved the matter of the unpaid rent with the tenant if they had not filed the application for dispute resolution.

The tenant's response was that she should not be responsible for repaying the whole filing fee, as she and the landlord were able to resolve the matter before the hearing. The tenant could not recall when they settled the matter.

### Analysis

I accept the submissions of the landlord that they would likely not have been able to resolve the issue of unpaid rent if they had not made the application for dispute resolution. If the tenant had settled the matter of the unpaid rent earlier, the landlord would not have needed to make the application for dispute resolution. I therefore find the landlord is entitled to recovery of their \$50 filing fee.

### Conclusion

The portion of the landlord's application regarding a monetary order for unpaid rent is dismissed.

I grant the landlord an order under section 72 for the amount of \$50. This order may be filed in the Small Claims Court 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: December 22, 2011.

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Residential Tenancy Branch