



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR MNDC FF

Introduction

At the outset of the hearing the Landlord advised they wished to withdraw their request for an Order of Possession and were seeking only to recover the cost of the filing fee from the Tenants.

Issue(s) to be Decided

1. Has the Tenant breached the *Residential Tenancy Act*, regulation or tenancy agreement by failing to pay rent?
2. Has the Landlord met the burden of proof to obtain an Order of Possession and a Monetary Order as a result of that breach pursuant to sections 67 of the *Residential Tenancy Act*?

Background and Evidence

The Landlord confirmed the Tenants have made payments of \$925.00 on February 25, 2012 and \$900.00 on March 3, 2012 which brings their account current so they re-instated the tenancy agreement.

The Landlord is seeking only to recover the filing fee from the Tenants.

Analysis

A party who makes an application for monetary compensation against another party has the burden to prove their claim. Awards for compensation are provided for in sections 7 and 67 of the *Residential Tenancy Act*.

In this case the Landlord suffered a loss of \$50.00 when filing his application for dispute resolution after the Tenants breached section 26 of the Act and failed to pay their rent in accordance with the tenancy agreement. The Landlord accepted subsequent payments from the Tenants and reinstated the tenancy which does not compensate the Landlord for the cost of making this application. Therefore I award the Landlord recovery of the **\$50.00** filing fee.

Conclusion

A copy of the Landlord's decision will be accompanied by a Monetary Order for **\$50.00**. This Order is legally binding and must be served upon the Respondent Tenants.

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: March 06, 2012.

Residential Tenancy Branch