



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing was scheduled to deal with the landlord's application for an Order of Possession and Monetary Order for unpaid rent. The tenants did not appear at the hearing. The landlord submitted two registered mail receipts as evidence the hearing documents were sent to the tenants at the rental unit on March 26, 2012. Having been satisfied the tenants were sufficiently served with notification of this hearing I proceeded to hear from the landlord without the tenants present.

At the commencement of the hearing, the landlord stated that the tenant paid the outstanding rent on March 26, 2012 – the same day this application was filed. The tenant had indicated she did not want the tenancy to end. The landlord has accepted payment of rent and will continue with the tenancy.

The landlord requested a Monetary Order for recovery of the filing fee only.

Issue(s) to be Decided

Is there a basis to award the filing fee to the landlord?

Background and Evidence

The tenancy commenced in September 2011 and the tenants are required to pay rent of \$790.00 per month. The tenancy agreement also provides for NSF fees of \$25.00. The tenants' automatic rent payment was declined for insufficient funds in March 2012. The Building Manager posted a 10 Day Notice to End Tenancy for Unpaid Rent (the Notice) on the tenants' door on March 7, 2012. The Notice has a stated effective date of March 16, 2012 and indicates that rent of \$790.00 and an NSF charge of \$25.00 were outstanding for March 2012.

The landlord filed this application March 26, 2012 and the tenant came forward with the payment of \$815.00 on March 26, 2012.

Documentary evidence provided by the landlord included copies of: the tenancy agreement; the tenants' ledger; the 10 Day Notice; and, registered mail receipts.

Analysis

Based upon the evidence before me, I find the landlord has established that the tenants failed to pay rent when due and did not pay the outstanding rent within five days of receiving the 10 Day Notice. As information for the parties, the Notice is deemed to be received by the tenants three days after posting. Therefore, the effective date should read and is automatically changed to read March 17, 2012 in accordance with section 53 of the Act.

I find the landlord was in a position to seek an Order of Possession and Monetary Order by way of the application filed on March 26, 2012. Therefore, I grant the landlord's request to recover the filing fee paid for this application from the tenants.

Provided to the landlord is a Monetary Order in the amount of \$50.00 to serve upon the tenants.

Conclusion

The tenancy has been reinstated upon payment of the outstanding rent and NSF charge and the landlord no longer seeks an Order of Possession. The landlord's request to recovery the filing fee by way of a Monetary Order has been granted.

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: April 03, 2012.

Residential Tenancy Branch