



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR; MNR; MNDC, MNSD; FF

Introduction

This is the Landlord's application for an Order of Possession; a Monetary Order for unpaid rent and loss of revenue; to retain the security deposit in partial satisfaction of its monetary claim; and to recover the cost of the filing fee from the Tenant.

The Landlord's agent gave affirmed testimony at the Hearing.

The Landlord's agent testified that the Notice of Hearing documents were mailed to the Tenant, via registered mail, to the rental unit on March 23, 2012. The Landlord's agent provided the tracking numbers for the registered documents.

Based on the affirmed testimony of the Landlord's agent and, I am satisfied that the Tenant was duly served with the Notice of Hearing documents by registered mail. Service in this manner is deemed to be effected 5 days after mailing the documents. Despite being served with the Notice of Hearing documents, the Tenant did not sign into the teleconference and the Hearing proceeded in his absence.

Preliminary Matter

At the outset of the Hearing, the Landlord's agent testified that on March 30, 2012, the Tenant paid all the arrears for March's rent and the rent for April, 2012, in the total amount of \$1,320.00. She stated that the tenancy was reinstated. The Landlord's agent requested to recover the cost of the filing fee from the Tenant.

Analysis

The tenancy has been reinstated and therefore the Landlord's application for an Order of Possession and a Monetary Order for unpaid rent and loss of revenue is dismissed.

I find that the Landlord is entitled to recover the cost of the filing fee from the Tenant because at the time the Application was filed, the Tenant owed the Landlord rent for March, 2012, and therefore the Landlord's application had merit. The Tenant is hereby warned that rent must be paid on the day that it is due, further to the provisions of Section 26 of the Act.

The Landlord may deduct **\$50.00** from the security deposit. The remainder of the security deposit being held by the Landlord is now \$275.00.

Conclusion

The outstanding rent has been paid and the tenancy reinstated and therefore the Landlord's application for an Order of Possession and Monetary Order is dismissed.

I find that the Landlord is entitled to recover the cost of the **\$50.00** filing fee from the Tenant, which may be deducted from the security deposit. The residue of the security deposit is \$275.00.

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: April 13, 2012.

Residential Tenancy Branch