



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNDC, MNR, OPR

Introduction

Some documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The applicant testified that the respondent was served with notice of the hearing by hand on July 21, 2012, however the respondent did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for an Order of Possession based on a Notice to End Tenancy for non-payment of rent, a request for a monetary order for \$2315.00, and a request for recovery of the \$50.00 filing fee.

Background and Evidence

The applicant testified that:

- The tenant failed to pay the July 2012 rent and therefore on July 3 the tenant was served with a 10 day Notice to End Tenancy.
- They filed for dispute resolution on July 17, 2012, however the tenant subsequently paid the full outstanding rent/late fees, and also paid the August 2012 rent in advance.
- They are therefore withdrawing their request for an Order of Possession, and for the monetary order, however they are still requesting an order for recovery of the filing fee, since the outstanding rent was not paid until after they applied for dispute resolution.

Analysis

It is my finding that at the time that the landlords applied for dispute resolution, the July 2012 rent was still outstanding, and therefore even though the landlord is now allowing the tenancy to continue, it is my decision that the tenant must bear the cost of the filing fee.

Conclusion

I have issued an order for the respondent to pay \$50.00 to the applicants.

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: August 13, 2012.

Residential Tenancy Branch