



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 matter dealt with an application by the Landlord for an Order of Possession and a Monetary Order for unpaid rent, for compensation for loss or damage under the Act or tenancy agreement, to recover the filing fee for this proceeding and to keep the Tenant's security deposit in partial payment of those amounts.

The Landlord said she served the Tenants with the Application and Notice of Hearing (the "hearing package") by registered mail on August 17, 2012. Based on the evidence of the Landlord, I find that the Tenants were served with the Landlord's hearing package as required by s. 89 of the Act and the hearing proceeded in the Tenants' absence.

At the start of the conference call the Landlord said that the Tenants have paid all the unpaid rent and late fees and the Tenants and the Landlord have agreed that the Tenants will move out of the rental unit on September 30, 2012. Consequently the dispute has been resolved except for the filing fee of \$50.00 which the Landlord requested.

As the Tenants have paid all the rent and late fees and the Landlord did not submit a copy of the Notice to End Tenancy to substantiate the Landlord's request for an Order of Possession, which is now withdrawn, I find the Landlord is responsible for the filing fee of \$50.00 for this proceeding, which the Landlord has already paid.

Conclusion

The Landlord's application is dismissed as the issues have been resolved by the parties prior to the hearing.

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*.

Dispute Resolution Officer