



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNDC, FF

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an Order of Possession for unpaid rent pursuant to section 55;
- a monetary order for unpaid rent and for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 67; and
- authorization to recover the filing fee for this application from the tenants pursuant to section 72.

The tenants did not attend this hearing, although I waited until 3:11 p.m. in order to enable them to connect with this teleconference hearing scheduled for 3:00 p.m. The landlord attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions. The landlord testified that she handed Tenant JK a 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) on September 4, 2012. She provided oral and written evidence to confirm that both tenants signed a document confirming that they were handed copies of the landlord's dispute resolution hearing package on September 22, 2012. I am satisfied that the above documents were served to the tenants in accordance with the *Act*.

At the commencement of the hearing, the landlord testified that the tenants are now current with their rent and the landlord is no longer seeking an end to this tenancy nor an Order of Possession. The landlord withdrew the application for an Order of Possession and revised the monetary elements of the application to seek only the recovery of the \$50.00 filing fee for the landlord's application from the tenants. All segments of the landlord's application are withdrawn with the exception of the landlord's application to recover the filing fee from the tenants.

Issues(s) to be Decided

Is the landlord entitled to recover the filing fee for this application from the tenants?

Background and Evidence

This one-year fixed term tenancy commenced on April 1, 2012. Monthly rent is set at \$820.00, payable in advance on the first of each month. The landlord continues to hold the tenants' \$410.00 security deposit paid on March 28, 2012.

Analysis

Based on the landlord's undisputed evidence, I find that the landlord is entitled to recover the \$50.00 filing fee for this application from the tenants.

Conclusion

I issue a monetary Order in the landlord's favour in the amount of \$50.00 to enable the landlord to recover the filing fee for this application from the tenants. The landlord is provided with these Orders in the above terms and the tenant(s) must be served with a copy of these Orders as soon as possible. Should the tenant(s) fail to comply with these Orders, these Orders may be filed in the Small Claims Division of the Provincial Court and enforced as Orders of that Court.

All other aspects of the landlord's application for dispute resolution are withdrawn.

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: October 24, 2012

Residential Tenancy Branch