



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BROADWALK GENERAL PARTNERSHIP
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, MNDS, MNDC, FF

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for orders as follows:

1. A monetary order pursuant to Section 67;
2. An Order of Possession pursuant to Section 55; and
3. An Order to recover the filing fee pursuant to Section 72.

Both parties attended the hearing. The tenant acknowledges being served with the Notice to End Tenancy on March 8, 2013 which was posted to her rental unit door. Further that she received the landlord's Application for Dispute Resolution including the Notice of Hearing and the landlord's evidence by way of registered mail.

Both parties gave evidence under oath.

Issue

Is the landlord entitled to the Orders sought?

Background

The landlord testified that he has now received all but \$50.00 of the rental arrears owing. The landlord testified that they did not wish to end the tenancy but needed to ensure that the rent was paid in full on time.

The tenant submitted that she had medical and work-related problems that prevented her from paying her rent on time. The tenant testified that she is now in a position to pay her rent on time effective May 1, 2013.

The landlord submitted that he wished to withdraw his application for an Order of Possession and seek only an Order for the \$50.00 balance that remained outstanding and the filing fee he has paid for this application. With respect to the filing fee the landlord says he tried to get in touch with the tenant with a view to resolving this matter without arbitration but she did not make herself available.

The tenant made no submissions in this regard.

Findings

The landlord's application for an Order of Possession has been withdrawn.

Based on the undisputed evidence, arrears of rent in the sum of \$50.00 remain owing. I will therefore award the landlord a monetary Order for those arrears.

Further, given that the landlord was unable to speak to the tenant directly to make arrangements to resolve this matter between them he had no alternative but to file an Application for Dispute Resolution to enforce his rights. The cost of filing that application was \$50.00 and in the circumstances I find it is reasonable that this cost be the responsibility of the tenant.

I will issue a monetary Order in favour of the landlord in the sum of \$100.00. This is a final and binding Order enforceable as any Order of the Provincial Court of British Columbia.

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 17, 2013

Residential Tenancy Branch