



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding HOLLYBURN ESTATES LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: MNR OPR FF

Introduction:

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

- a) A monetary order pursuant to Section 67;
- b) An Order of Possession pursuant to Sections 46, and 55;
- c) An Order to retain the security deposit pursuant to Section 38; and
- d) An order to recover the filing fee pursuant to Section 72.

SERVICE:

The tenants did not attend. The landlord provided evidence that the Notice to end Tenancy dated August 28, 2013 was served by posting it on the door and the Application for Dispute Resolution by registered mail; it was verified online as successfully delivered. I find that the tenant was served with the documents according to sections 88 and 89 of the Act.

Issue(s) to be Decided:

The tenant was issued a Notice to End Tenancy dated August 28, 2013 for unpaid rent. Is the landlord now entitled to an Order of Possession and to a Monetary Order for rental arrears and filing fee?

Background and Evidence:

Only the landlord attended and was given opportunity to be heard, to present evidence and to make submissions. The undisputed evidence is that the tenancy commenced in August 2013, a security deposit of \$765 was paid and rent is currently \$1530 a month plus parking. The landlord said the matter has been settled and the tenant paid all rent owing for August, September and October 2013 so an Order of Possession is no longer sought. They request a monetary order to recover the \$50 filing fee.

On the basis of the documentary and solemnly sworn evidence presented at the hearing, a decision has been reached.

Analysis

An Order of Possession is no longer requested.

Monetary Order

I find all rent has been paid to date. I find, however, it was necessary for the landlord to bring this application to collect the rent so I find them entitled to recover their filing fee of \$50 for the application.

Conclusion:

I dismiss the application of the landlord for an Order of Possession as it is no longer requested. I find the landlord is entitled to recover filing fees paid for this application and a monetary order for \$50.00 is enclosed.

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 02, 2013

Residential Tenancy Branch

