



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This hearing was convened by way of conference call in response to the landlord's application for an Order of Possession for unpaid rent; for a Monetary Order for unpaid rent; for an Order permitting the landlord to keep all or part of the tenant's security deposit; and to recover the filing fee from the tenant for the cost of this application.

Service of the hearing documents, by the landlord to the tenant, was done in accordance with section 89 of the *Act*; served by registered mail on January 02, 2014. Canada Post tracking numbers were provided by the landlord in evidence. The tenant was deemed to be served the hearing documents on the fifth day after they were mailed as per section 90(a) of the *Act*.

The landlord appeared, gave sworn testimony, was provided the opportunity to present evidence orally, in writing, and in documentary form. There was no appearance for the tenant, despite being served notice of this hearing in accordance with the *Residential Tenancy Act*. All of the testimony and documentary evidence was carefully considered.

At the outset of the hearing the landlord advised that the tenant has paid all the outstanding rent and the landlord has reinstated the tenancy. Therefore, the landlord withdraws the application for an Order of Possession, a Monetary Order for unpaid rent and to keep the security deposit. The landlord does however request that the tenant pay the \$50.00 filing fee.

Analysis

At the time the landlord issued the 10 Day Notice to the tenant the rent was outstanding. The tenant did not pay the rent within the five allowable days and did not vacate the rental unit on January 02, 2014. The tenant paid all the outstanding rent and the landlord and tenant have reinstated the tenancy after the landlord filed this application. The landlord incurred a cost of \$50.00 to file this application. I therefore find that although the landlord has reinstated the tenancy the landlord is entitled to recover the \$50.00 filing fee from the tenant pursuant to s. 72(1) of the *Act*.

Conclusion

I HEREBY FIND in favor of the landlord's monetary claim to recover the filing fee. A copy of the landlord's decision will be accompanied by a Monetary Order for \$50.00. The Order must be served on the respondent. Should the respondent fail to comply with the Order, the Order may be enforced through the Provincial Court as an Order of that Court.

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: February 19, 2014

Residential Tenancy Branch

