



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** OPR, MNR, MNSD, MNDC, FF

### **Introduction**

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for an order of possession pursuant to the notice to end tenancy for non payment of rent. The landlord also applied for a monetary order for unpaid rent and the filing fee, and to retain the security deposit in partial satisfaction of the claim.

The notice of hearing was served on the tenant on May 18, 2014, by registered mail. The landlord filed a copy of the tracking slip. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

At the start of the hearing the landlord informed me that the tenant had made full payment on June 17, 2014 and that the tenancy was reinstated. The landlord withdrew all portions of her application except for the recovery of the filing fee.

### **Issues to be decided**

Is the landlord entitled to the recovery of the filing fee?

### **Background and Evidence**

The tenancy started on November 01, 2011. The current monthly rent is \$1,225.00 due in advance on the first of each month.

The landlord stated that the tenant failed to pay rent On May 01, 2014. On May 02, 2014; the landlord served the tenant with a notice to end tenancy for unpaid rent. The tenant did not dispute the notice and did not pay rent. On May 15, 2014, the landlord applied for dispute resolution.

On June 17, 2014, the tenant paid all rent owed to the landlord. At the time of the hearing, the landlord stated that the tenant did not owe rent.

### **Analysis**

Based on the undisputed sworn testimony of the landlord, I accept the landlord's evidence in respect of the claim. The tenant received the notice to end tenancy for unpaid rent on May 02, 2014 and did not pay full rent within five days of receiving the notice to end tenancy nor did the tenant make application, pursuant to Section 46 to set aside the notice to end a residential tenancy, and the time to do so has expired.

Even though the tenant does not owe rent at the time of the hearing, I find that the tenant did not make full payment within the five day time frame. The landlord had not heard back from the tenant and therefore made this application on May 15, 2014.

Since the tenant did not act in a timely manner, the landlord was forced to make this application and therefore I find that the tenant must bear the cost incurred by the landlord to file this application.

I grant the landlord a monetary order under section 67 of the *Residential Tenancy Act* for \$50.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

### **Conclusion**

I grant the landlord a monetary order in the amount of **\$50.00**.

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: July 09, 2014

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Residential Tenancy Branch

