



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding WALL FINANCIAL CORPORATION  
and [tenant name suppressed to protect privacy]

## **DECISION**

### **Dispute Codes:**

*OPR, MNR, FF*

### **Introduction**

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for an order of possession and for a monetary order for unpaid rent and the filing fee.

The notice of hearing was served on the tenant on January 28, 2015 by registered mail. The landlord provided a tracking number. 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, on January 30, 2015, the tenant paid rent for January and February 2015, and at the time of the hearing did not owe rent. The landlord reinstated the tenancy and was no longer seeking an order of possession. Therefore, this hearing only dealt with the landlord's monetary claim for the recovery of the filing fee.

### **Issues to be decided**

Is the landlord entitled to a monetary order to recover the filing fee?

### **Background and Evidence**

The tenancy started on October 01, 2013. The monthly rent is \$710.00 due on the first of each month. The landlord testified that the tenant failed to pay rent for January 2014. On January 05, 2014, the landlord served the tenant with a ten day notice to end tenancy for unpaid rent. The tenant did not dispute the notice and did not pay rent within five days of receipt of the notice to end tenancy.

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The landlord made this application on January 22, 2015

However, the tenant paid rent for January on January 30, 2015 and the landlord reinstated the tenancy.

### **Analysis**

Based on the undisputed sworn testimony of the landlord and in the absence of evidence to the contrary, I accept the landlord's testimony in respect of the claim. I find that the tenant received the notice to end tenancy on January 05, 2015 and did not pay rent within five days of receipt of the notice. The landlord was therefore forced to make this application and accordingly I find that the landlord is entitled to the recovery of the filing fee of \$50.00.

The landlord has established a claim of \$50.00. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for this amount. 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 for **\$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: February 13, 2015

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Residential Tenancy Branch

