



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MDSD & FF

Introduction

The Application for Dispute Resolution filed by the landlord makes the following claims:

- a. An Order for Possession for non-payment of rent
- b. A monetary order in the sum of \$800 for unpaid rent
- c. An order to keep the security deposit.
- d. An order to recover the cost of the filing fee

A hearing was conducted by conference call in the presence of a representative of the applicant and in the absence of the respondent although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the 10 day Notice to End Tenancy was served on the Tenant by posting on September 2, 2015. Further I find that the Application for Dispute Resolution/Notice of Hearing was served on the Tenant by mailing, by registered mail to where the tenant resides on September 24, 2015. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issue to be decided is whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

The tenant was the previous building manager. The landlord purchased the rental property with a closing set for June 30, 2015. The landlord advised the tenant's services as a building manager were no longer needed. The parties entered into a written tenancy agreement dated July 1, 2015 that provided that the rent is \$800 per month payable in advance on the first day of each month. The tenant paid a security deposit of \$400. The tenant(s) failed to pay the rent for September when due. The

arrears of rent were finally paid in full on November 20, 2015 and the landlord has reinstated the tenancy. The seeks an order to recover the cost of the filing fee only.

Analysis - Order of Possession:

The arrears of rent have been paid and the landlord has reinstated the tenancy. As a result I dismissed the application for an Order for Possession.

Analysis - Monetary Order and Cost of Filing fee:

I dismissed the claim for non-payment of rent as the arrears of rent have been paid. I determined the landlord is entitled to the cost of the filing fee. I ordered that the tenant pay to the landlord the sum of \$50 for the cost of the filing fee..

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial Court and enforced 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: November 23, 2015

Residential Tenancy Branch

