



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Salamat Operations Society
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR MNR MNDC FF

Introduction

This hearing convened pursuant to an application by the landlord for an order of possession, and a monetary order for unpaid rent, as well as recovery of the filing fee. The landlord and the tenant participated in the teleconference hearing.

At the beginning of the hearing, the landlord stated that the tenant has paid the outstanding rent, and they wish to withdraw all parts of their application except for recovery of the filing fee. The tenant did not agree that he should have to pay the filing fee. I therefore heard from the parties on this issue only.

Issue(s) to be Decided

Is the landlord entitled to recovery of the filing fee?

Background and Evidence

The landlord stated that the tenant has had a long history of rental arrears, and he did not pay all of the outstanding rent until after the landlord filed for dispute resolution.

The tenant stated that the landlord hasn't done any work on the windows of the house for the last two years, and that is why he did not pay the rent.

Analysis

I find that the landlord is entitled to recovery of the filing fee. The tenant withheld rent without authorization, and he did not dispute that he did not pay the outstanding rent in full until the landlord filed for dispute resolution. The only way that the landlord could motivate the tenant to pay the rent was to make an application and pay the filing fee.

Conclusion

The landlord is entitled to recovery of the filing fee.

I grant the landlord an order for the amount due of \$100.00. This order may be filed in the Small Claims Court and enforced as an order of that Court. Alternatively, as authorized under section 72 of the Act, the landlord may withhold this amount from the tenant's security deposit.

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: December 14, 2016

Residential Tenancy Branch