



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Action Property Management  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR MNR MNSD MNDC FF

### Introduction

This hearing convened pursuant to an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim, as well as recovery of the filing fee.

The landlord participated in the teleconference hearing, but the tenant did not call into the hearing. The landlord submitted evidence that they served the tenant with the application for dispute resolution and notice of hearing by registered mail sent on January 9, 2016. Section 90 of the Act states that a document is deemed to have been served five days after mailing. I found that the tenant was deemed served with notice of the hearing on December 14, 2016, and I proceeded with the hearing in the absence of the tenant.

### Preliminary Issue

At the beginning of the hearing the landlord stated that the tenant was up to date on rent, and they wished to withdraw all of their claim except for recovery of the \$100.00 filing fee. I therefore did not consider any portion of the landlord's claim except for the issue of the filing fee.

### Issue(s) to be Decided

Is the landlord entitled to recovery of the filing fee?

### Background and Evidence

The tenant failed to pay rent in the month of December 2016 and on December 3, 2016 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant further failed to pay rent in the month of January 2017. The landlord applied for an order of possession and a monetary order for unpaid rent. On January 30, 2017, the time of the hearing, the landlord stated that they were able to resolve the matter.

### Analysis

The tenant did not pay outstanding rent until after he was served with the landlord's application and the notice of hearing. I am satisfied that it was necessary for the landlord to file their application to motivate the tenant to pay. I therefore find that the landlord is entitled to recovery of the \$100.00 filing fee for the cost of their application.

### Conclusion

I grant the landlord an order under section 67 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.

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: January 31, 2017

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Residential Tenancy Branch