



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding GREATER VICTORIA HOUSING SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNRL, FFL

Introduction

This hearing convened as a result of a Landlord's Application for Dispute Resolution, filed on November 8, 2018, wherein the Landlord sought an Order of Possession and monetary compensation based on a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities as well as recovery of the filing fee.

The hearing was scheduled for 11:00 a.m. on December 18, 2018. The line remained open while the phone system was monitored for twenty five minutes and the only participant who called into the hearing during this time was Landlord's representatives T.A. and M.S.

The Tenant did not attend this hearing, although I left the teleconference hearing connection open until 11:25 a.m.

I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the Landlord's representatives and I were the only ones who had called into this teleconference.

The Landlord's representatives attended the hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

Preliminary Matter—Issues to be Decided

At the outset of the hearing T.A. stated that the Tenant had paid the outstanding rent. She also advised that the Landlord no longer sought an Order of Possession as the Landlord wished to continue with the tenancy.

T.A. confirmed that the Landlord sought a Monetary Order representing recovery of the \$100.00 filing fee.

Issue to be Decided

1. Is the Landlord entitled to the filing fee?

Background and Evidence

T.A. testified that the tenancy began August 22, 2018. Monthly rent is payable in the amount of \$419.00 and the Tenant paid a \$187.50 security deposit.

T.A. stated that the Tenant has had difficulty paying their rent on time. At times the Landlord has engaged in settlement discussions with the Tenant whereby the Tenant agreed to a payment plan; yet the Tenant has failed to follow through.

T.A. also stated that while they are hopeful the Tenant will pay rent as required, the Landlord will also issue another 10 Day Notice in the event the Tenant is late paying rent again, and will also issue a 1 Month Notice to End Tenancy for Cause for repeated late payment of rent should the Tenant continue to be late paying rent.

R.M. testified that the Tenant paid his rent, but after the five days permitted under section 46. He further confirmed that although the Landlord is entitled to an Order of Possession, they wish to give the Tenant another chance to pay their rent on time.

Analysis

As noted the Landlord did not seek an Order of Possession, despite their entitlement to one pursuant to sections 46 and 55 of the *Residential Tenancy Act*.

The Tenant is cautioned that rent must be paid on time pursuant to section 26 of the *Act*. Further, repeated late payment of rent is cause to end a tenancy pursuant to section 47(1)(b) of the *Act*.

Although the Tenant paid the rent in full prior to the hearing, I find it likely this was in response to the Landlord's Application; consequently, and pursuant to section 72 of the *Act*, I award the Landlord recovery of the \$100.00 filing fee.

Conclusion

The Landlord confirmed they did not require an Order of Possession or monetary order for unpaid rent as the Tenant paid the rent in full. As such, those requests are noted as being withdrawn.

The Landlord's request for recovery of the filing fee is granted. The Landlord is granted a Monetary Order in the amount of \$100.00. This Order must be served on the Tenant and may be filed and enforced in the B.C. Provincial 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: December 19, 2018

Residential Tenancy Branch