

DECISION

Dispute Codes OPR OPB MNR MNDC FF

Introduction

I have been delegated authority under section 9.1 of the *Residential Tenancy Act* (the "Act") to hear this matter and decide the issues.

I reviewed the evidence provided by the Landlord prior to the Hearing. The Landlord's agents gave affirmed testimony at the Hearing and the Hearing proceeded on its merits.

Preliminary Matter

At the onset of the Hearing, the Landlord's agent DS testified that the Tenant paid the Landlord the total amount of rent arrears owing on May 3, 2009. The Landlord's agent DS testified that the Landlord had therefore reinstated the tenancy.

The Landlord's agent stated that the Landlord was withdrawing its application, with the exception of the Landlord's application to recover the filing fee for the cost of the application from the Tenant.

Background and Evidence

The Landlord's agent DS testified that the Tenant was mailed the Notice of Hearing documents, together with copies of the evidence, by registered mail, on April 22, 2009. The Landlord provided a receipt and tracking number for the registered mail documents, along with a signed statement of service by an agent of the Landlord. The Landlord's agent DS testified that the item was returned to the Landlord on May 26, 2009, unclaimed.

Analysis

I accept the Landlord's agent's testimony that the Tenant was mailed the Notice of Hearing documents, by registered mail, on April 22, 2009. Section 90 of the Act deems service of documents in this manner to be effected on the 5th day after mailing the

documents. Despite being deemed served with the documents on April 27, 2009, the Tenant did not appear at today's Hearing and the Hearing proceeded in her absence.

I find that the Landlord is entitled to recover the filing fee from the Tenant.

Pursuant to Section 72(2)(b) of the Act, I order that the Landlord may deduct the amount of \$50.00 from the security deposit held by the Landlord.

Conclusion

The Landlord's applications for an Order of Possession, a Monetary Order for rent arrears, and a Monetary Order for damages under the Act, are dismissed without leave to re-apply.

The Landlord is entitled to recover the filing fee for the cost of this Application from the Tenant. The Landlord may deduct \$50.00 from the security deposit paid by the Tenant to the Landlord.

Dated: May 29, 2009.
