

Decision

Dispute Codes:

OPR; MNR; MNDC, MNSD; FF

Introduction

This is the Landlord's application for an Order of Possession; a Monetary Order for unpaid rent and loss of rent, to retain the security deposit in partial satisfaction of its monetary claim; and to recover the cost of the filing fee from the Tenant.

Preliminary Matter

The Landlord's agent testified that the Tenant paid the outstanding February rent on February 15, 2010, and has paid rent for the month of March, 2010. The Landlord's agent advised the Tenant that she would be attending the Hearing to request the recovery of the filing fee. She told the Tenant that once she was awarded the cost of the filing fee, she would reinstate the tenancy. The Landlord's agent stated that the tenant understood that the payment was for use and occupancy only. The Landlord's agent testified that she spoke with the Tenant, who indicated he would probably not attend the Hearing.

The Landlord's agent testified that she provided the Tenant with the Notice of Hearing documents by registered mail on February 10, 2010. The Landlord provided a copy of the registered mail receipt and tracking number in evidence. The tracking number was altered on the registered mail receipt. The Landlord's agent testified that there were a number of registered items that were posted on the same day and the postal clerk had technical difficulty registering them. Therefore, the postal clerk hand-wrote the actual tracking numbers on the receipts.

Analysis

I am satisfied that the Tenant was duly served with the Notice of Hearing documents. Despite being served with the documents, the Tenant did not attend the teleconference, and the Hearing continued in his absence.

I find that the Landlord is entitled to recover the cost of the filing fee. Pursuant to the provisions of Section 72 of the Act, the Landlord may retain \$50.00 from the security deposit in satisfaction of its monetary award.

The Tenant has paid the outstanding rent, and therefore, the Landlord's applications for an Order of Possession and a Monetary Order for unpaid rent and loss of rent are dismissed.

Conclusion

The Landlord's applications for an Order of Possession and a Monetary Order for unpaid rent and loss of rent are dismissed.

The Landlord may retain \$50.00 from the 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: April 12, 2010