



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD

This hearing dealt with an application by the tenant for an order compelling the landlord to return her security deposit. The respondent landlord participated in the conference call hearing but the tenant did not.

As the tenant did not appear at the hearing to advance her claim, the claim is dismissed without leave to reapply.

The landlord brought to my attention that this is the third claim the tenant has made against him. The first claim was addressed in a hearing on March 30, 2011. The tenant did not participate in that hearing and her claim was dismissed with leave to reapply. The second claim was addressed in a hearing on July 11. The tenant was successful against another party but was unsuccessful in her claim against the landlord as the claim had previously been dismissed without leave to reapply. This claim addresses the same issues advanced in the earlier claim.

The tenant has received a fee waiver each time she has made an application. As the tenant has persisted in pursuing claims which have been dismissed with leave to reapply and as she has significantly inconvenienced the landlord as his presence has been required at each hearing, I find it reasonable to require the tenant to repay the \$50.00 filing fee which was waived for the first claim and the \$50.00 filing fee which was waived for this claim prior to bringing another claim.

Pursuant to section 72(1) of the Act, ***I order that the tenant repay to the Residential Tenancy Branch the sum of \$100.00*** which amount represents the aforementioned filing fees. ***The tenant must make this repayment before any further applications for dispute resolution will be accepted,*** pursuant to section 59(5) of the Act which provides that ***“the director may refuse to accept an application for dispute resolution if the applicant owes outstanding fees under this Act to the government.”***

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: September 28, 2011

Residential Tenancy Branch