



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, FF

Introduction

This hearing dealt with the landlord's application for dispute resolution under the Residential Tenancy Act (the "Act") for an order of possession for the rental unit due to unpaid rent, a monetary order for unpaid rent and money owed or compensation for damage or loss, for authority to retain the tenant's security deposit and to recover the filing fee.

The tenant did not appear at the telephone conference call hearing. The landlord appeared and gave affirmed testimony.

The landlord gave evidence that the tenant was served with the Application for Dispute Resolution and Notice of Hearing (the Hearing Package) by registered mail on November 21, 2012. The landlord supplied the receipt and tracking number of the registered mail.

I find the tenant was served in a manner complying with section 89 of the Residential Tenancy Act (the "Act") and the hearing proceeded in the tenant's absence.

The landlord was provided the opportunity to present her evidence orally and to refer to relevant documentary evidence timely submitted prior to the hearing.

Issue(s) to be Decided

Is the landlord entitled to an order of possession for the rental unit due to unpaid rent, a monetary order and to recover the filing fee?

Background and Evidence

The landlord said that the tenant had paid rent in full as of the time of the hearing and as a result, she informed the tenant that she would not seek an order of possession pending the tenant's timely rent payment for January 2013.

The landlord said that although there was no unpaid rent as of the day of the hearing, she would still request recovery of the filing fee, to be withheld from the tenant's security deposit of \$370.00.

Analysis

Based on the oral and written evidence and on a balance of probabilities, I find as follows:

At the landlord's request, I find the landlord will not be issued an order of possession or a monetary order for unpaid rent.

I find it was necessary that the landlord file an application for dispute resolution and as such, I allow them recovery of the filing fee of \$50.00.

At the landlord's request, I allow them to retain the amount of \$50.00 from the tenant's security deposit of \$370.00 in satisfaction of their monetary award.

Conclusion

The landlord will not be issued an order of possession or a monetary order for unpaid rent, at their request.

The landlord will retain \$50.00 from the tenant's filing fee for recovery of the filing fee.

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* and is being mailed to both the applicant and the respondent.

Dated: December 21, 2012.

Residential Tenancy Branch