



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *MNSD, FF*

Introduction

This hearing dealt with an application by the tenants pursuant to the *Residential Tenancy Act* for a monetary order for the return of the security deposit and the filing fee.

The landlord did not attend the hearing. I accept the evidence of the tenant that the landlord was served with notice of this application and hearing by registered mail on June 21, 2013. The tenant attended the hearing and was given full opportunity to present evidence and make submissions.

At the start of the hearing, the tenant informed me that she had received the security deposit from the landlord. Therefore, this hearing only dealt with the tenant's application for a monetary order for the filing fee.

Issues to be decided

Is the tenant entitled to the recovery of the filing fee?

Background and Evidence

The parties attended a hearing by conference call on May 16, 2013. The landlord was ordered to return the security deposit within 15 days of receipt of the decision. The landlord applied for a clarification of the decision and then for a review of the decision. In a decision dated May 28, 2013, the Arbitrator wrote the required clarification and in a decision dated June 26, 2013, the decision was upheld in response to the landlord's application for review.

The tenant made application on June 19, 2013, prior to the review decision and therefore her application was premature. The tenant testified that the landlord has since then returned the security deposit.

Analysis

Based on the undisputed testimony of the tenant, I find that the tenant's application was premature and therefore she must bear the cost of filing her own application.

Conclusion

The tenant's application for the recovery of the filing fee is dismissed.

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 24, 2013

Residential Tenancy Branch

