



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CAPREIT
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: MNR OPR MNSD FF

Introduction:

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for orders as follows:

- a) A monetary order pursuant to Section 67;
- b) An Order of Possession pursuant to Sections 46, and 55;
- c) An Order to retain the security deposit pursuant to Section 38; and
- d) An order to recover the filing fee pursuant to Section 72.

SERVICE:

The tenant did not attend. The landlord gave evidence that the Notice to end Tenancy dated October 2, 2013 was posted on the door on October 2, 2013 and the Application for Dispute Resolution was served by registered mail. Canada Post online showed the Application was available for pickup from November 1, 2013, several notices were left but it was returned on November 17, 2013 when the tenants failed to pick it up. I find that the tenant is deemed to be served with the Application according to sections 88 and 89 of the Act.

Issue(s) to be Decided:

The tenant was issued a Notice to End Tenancy dated October 2, 2013 for unpaid rent. Is the landlord now entitled to an Order of Possession and to a Monetary Order for rental arrears and filing fee?

Background and Evidence:

The tenant did not attend but is deemed to be served with the Application/Notice of Hearing. The landlord said they no longer request an Order of Possession as the tenant paid the outstanding rent by November 2013. However, this was long past the 10 days which would cancel the Notice to End Tenancy so they had to bring this Application. The landlord therefore requests a Monetary Order for the filing fee.

In evidence is the Notice to End Tenancy, the tenancy agreement, a receipt for partial payment dated October 28, 2013 noting “for use and occupancy only” and a rental ledger.

On the basis of the documentary and solemnly sworn evidence presented at the hearing, a decision has been reached.

Analysis

An Order of Possession is no longer requested. I find the landlord's evidence credible that it was necessary to file this application as the tenant did not pay the outstanding rent within the 10 days required by the Notice to End Tenancy. The landlord's evidence is well supported by the documents filed. Therefore, I find the landlord entitled to recover filing fees of \$50 for this application.

Conclusion:

I find the landlord is entitled to recover filing fees paid for this application. A monetary order for \$50 is enclosed.

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: December 12, 2013

Residential Tenancy Branch

