



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 OPR, MNR, MNSD, 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, for authority to retain the tenant's security deposit, and to recover the filing fee.

The landlord attended the telephone conference call hearing; the tenant did not attend.

The landlord gave evidence that they served the tenant with the Application for Dispute Resolution and Notice of Hearing by registered mail on October 28, 2013. The landlord supplied the receipt showing the tracking number of the registered mail.

I find the tenant was served notice of this hearing in a manner complying with section 89 of the Residential Tenancy Act (the "Act").

Preliminary issue-The landlord stated that he no longer required an order of possession for the rental unit or a monetary order for unpaid rent, as the tenant has now paid in full any outstanding monies owed.

The landlord did request recovery of the filing fee and also stated that the parties communicated prior to the hearing concerning the tenant's attendance at the hearing, during which the tenant agreed to pay the filing fee of \$50.

Analysis and Conclusion

As the landlord no longer required an order of possession for the rental unit or monetary compensation, I dismiss that portion of the landlord's application seeking such relief.

As I find the landlord's application contained merit at the time it was filed, I grant the landlord recovery of their filing fee of \$50.

I grant the landlord a final, legally binding monetary order pursuant to section 72 of the Act for recovery of their filing fee in the amount of \$50, which I have enclosed with the landlord's Decision.

Should the tenant fail to pay the landlord this amount without delay after being served the order, the order may be filed in the Provincial Court of British Columbia (Small Claims) for enforcement as an order of that Court. The tenant is advised that costs of such enforcement are recoverable from the tenant.

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 12, 2013

Residential Tenancy Branch

