



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 0926500 B.C. Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDC FF O

Introduction

This hearing convened pursuant to applications by the tenant and the landlord. The tenant applied for monetary compensation. The landlord applied for “other” and recovery of the filing fee for the cost of their application.

Preliminary Issues

Tenant's Application

The landlord called in to the teleconference hearing but the tenant did not. This matter was set for hearing by telephone conference call at 11:00 a.m. on this date. The line remained open while the phone system was monitored for 14 minutes. As the tenant did not attend the hearing by 1:14 p.m., and the landlord appeared and was ready to proceed, I dismiss the tenant's claim without leave to reapply.

Landlord's Application

The landlord provided evidence that on February 12, 2014 they mailed their hearing package to the tenant by registered mail to the service address provided by the tenant, but the package was returned and “not at this address RTS” was written on the envelope. I found that the tenant was deemed to have been served with the landlord's application on February 17, 2014.

The landlord stated in the hearing that they had applied for monetary compensation as set out in their evidence. I informed the landlord that I could not amend their application to include a monetary claim, as their application itself did not clearly indicate that the landlord applied for monetary compensation, and the tenants were not present in the hearing. As the landlord's application did not include a monetary claim, and I did not

hear evidence from the landlord regarding a monetary claim, they are at liberty to apply for monetary compensation.

The tenant was deemed served with the landlord's application and evidence. If the tenant had attended the hearing, it may have been possible to amend the landlord's application to include and consider the landlord's monetary application. Therefore, under authority of section 72 of the Act, I grant the landlord recovery of the \$50 filing fee for the cost of their application.

Conclusion

The tenant's application is dismissed.

I grant the landlord an order under section 67 for the balance due of \$50. This order may be filed in the Small Claims Court and enforced as an order of that Court.

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: February 24, 2014

Residential Tenancy Branch

