



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR MNSD MNDC FF

Introduction

This hearing dealt with applications by the landlord and the tenant. The landlord applied for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. The tenant applied to cancel a notice to end tenancy for cause.

The landlord participated in the teleconference hearing, but the tenant did not call into the hearing. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the landlord. Therefore, as the tenant did not attend the hearing by 9:40 a.m., and the landlord appeared and was ready to proceed, I dismissed the tenant's claim without leave to reapply.

The landlord stated that she personally served the tenant with her application for dispute resolution and notice of hearing on September 29, 2014. I accepted the landlord's evidence regarding service of her application on the tenant, and I proceeded with the hearing in the absence of the tenant.

The landlord stated that the tenant was evicted from the rental unit pursuant to an order of possession granted October 31, 2014. I therefore dismissed the portion of the landlord's application regarding an order of possession.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation as claimed?

Background and Evidence

The landlord indicated on her application that she claimed \$175 and recovery of her filing fee for the cost of the application. In the hearing, the landlord stated that she claimed \$175 in compensation for missing time from work to evict the tenant. The landlord requested recovery of her filing fee for this application as well as for her previous application.

Analysis

Participants in the dispute resolution process must bear their own costs related to the dispute resolution process, with the exception of the filing fee for the cost of their application. I therefore dismiss the landlord's claim for \$175 for missing time from work. Further, I cannot grant recovery of a filing fee on a different application than the one before me.

As the landlord's application was not successful, she is not entitled to recovery of the filing fee for this application.

Conclusion

The applications of the tenant and the landlord are 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: November 27, 2014

Residential Tenancy Branch

