



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an Order of Possession for unpaid rent pursuant to section 55;
- a monetary order for unpaid rent pursuant to section 67;
- authorization to recover his filing fee for this application from the landlord pursuant to section 72.

The landlord's agent/applicant attended this hearing. The tenant/respondent did not. The landlord requested to withdraw the substantive application. The application for an order of possession and a monetary order are therefore withdrawn.

The landlord applies to recover his filing fee.

Issue to be Decided

Is the landlord entitled to recover the filing fee for this application from the tenant?

Background and Evidence

A tenancy agreement was submitted by the landlord indicating a tenancy starting on February 1, 2014 for a fixed period until January 31, 2015 with a rental amount of \$850.00 with security deposit in the amount of \$425.00 provided on February 1, 2014. The landlord served a 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) to the tenant indicating an outstanding balance of \$875.00 on September 4, 2014 by posting the notice on the tenant's door. The tenant is deemed served with the 10 Day Notice September 7, 2014. The landlord submitted an Application for Dispute Resolution served to the tenant with the Notice of Application for Dispute Resolution by registered mail on September 29, 2014. The tenant is deemed served with this notice on October 4, 2014.

The landlord's agent, under sworn testimony, indicated that the tenant continues to reside in the rental unit. He further testified that the tenant had paid all of his outstanding rent as of this hearing date.

The landlord applied to recover his \$50.00 filing fee.

Analysis

Section 72 of the Act states that an arbitrator may order payment or repayment of a fee under section 59(2)(c) ...by one party to another party or to the director.

The landlord's agent appeared and gave testimony that reflected the materials provided regarding outstanding rent. The landlord has submitted application for a hearing including a receipt confirming payment of the \$50.00 filing fee. The tenant did not attend this hearing to dispute any of the landlord's claims. Under these circumstances, I allow the landlord's application to recover the filing fee.

Conclusion

I allow the landlord to recover the \$50.00 filing fee for this application. To implement this decision, I order the landlord to retain \$50.00 from the tenant's security deposit. I order that the value of the security deposit currently held by the landlord is reduced from \$425.00 to \$375.00.

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 17, 2014

Residential Tenancy Branch

