



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FF

Introduction

This hearing was convened by way of conference call in response to a Landlord's Application for Dispute Resolution (the "Application") to end the tenancy early and obtain an Order of Possession. The Landlord also applied to recover the filing fee from the Tenant for the cost of the Application.

The Landlord appeared for the hearing and provided affirmed testimony as well as documentary evidence prior to the hearing.

The Landlord testified that she had served the Tenant with the required documents for this hearing by registered mail. The Landlord provided the Canada Post tracking number as evidence for this method of service during the hearing which was noted in the file.

There was no appearance for the Tenant during the 23 minute duration of the hearing and I determined that the Tenant had been served with the documents for this hearing in accordance with Section 89(1) (c) of the Act.

However, the Landlord explained that the Tenant had vacated the rental suite and confirmed that there was no requirement for an Order of Possession. However, the Landlord still requested the recovery of her filing fee as well as a monetary claim for unpaid rent.

The Landlord was informed that monetary claims cannot be dealt with in an Application for an early end of tenancy and that the Landlord would be required to make a new and separate Application for a monetary claim and put the Tenant on sufficient notice of the claim being made against the Tenant.

Analysis & Conclusion

The Landlord's Application for an Order of Possession is dismissed as this is now a moot issue.

As the Tenant failed to appear for the hearing and the Landlord appeared and explained that she had to make the Application in order to get the Tenant out, I find that the Landlord is entitled to the recovery of the filing fee from the Tenant in the amount of \$50.00.

The Landlord confirmed that no security deposit had been requested from the Tenant at the start of the tenancy and therefore, I issue the Landlord with a Monetary Order in the amount of \$50.00 pursuant to Section 72(1) of the Act. This order must be served on the Tenant and may then be filed in the Provincial Court (Small Claims) 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: November 06, 2014

Residential Tenancy Branch

