



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding HUDSON MEWS HOLDINGS
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

OPR, MNR, MNSD, MNDC, FF

Introduction

This hearing was convened in response to an application by the landlord pursuant to the *Residential Tenancy Act* (the Act) for Orders as follows:

1. An Order of Possession - Section 55;
2. A Monetary Order for unpaid rent / loss of revenue - Section 67;
3. An Order to retain the security deposit / pet deposit - Section 38
4. An Order to recover the filing fee for this application - Section 72.

I accept the landlord's evidence that despite the tenant having been served with the application for dispute resolution and notice of hearing by *registered mail* in accordance with Section 89 of the Residential Tenancy Act (the Act) the tenant did not participate in the conference call hearing. The landlord testified that the tenant further was sent all evidence submitted for this matter. The landlord provided proof of registered mail service to the tenant inclusive of the tracking number for the mail.

At the outset of the hearing the landlord testified that they only recently received assured payment (cash) of all rent and other charges owed to the landlord in this matter and as a result the landlord was reinstating the tenancy and it would continue. The landlord solely sought the return of their \$50.00 filing fee.

Issue(s) to be Decided

Is the landlord entitled to the monetary amount claimed?

Background and Evidence

The landlord effectively orally withdrew their entire application for an Order of Possession and a Monetary Order.

Analysis

The landlord was advised that as a result of all the above it was available to them to request of the tenant to satisfy the cost of filing their application. *On reflection*, I find it appropriate that should the tenant decline to satisfy the filing fee amount, **I Order** that the landlord may deduct the **\$50.00** from the tenant's security deposit.

Conclusion

I Order that the landlord may, in their discretion, deduct **\$50.00** from the tenant's security deposit in full satisfaction of the cost of their filing fee.

This Decision is final and binding on both parties.

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: May 06, 2015

Residential Tenancy Branch

