



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Capilano Property Management Services Ltd.
and [tenant name suppressed to protect privacy]

INTERIM DECISION

Dispute Codes MND MNR MNSD FF

Introduction

This hearing convened pursuant to the landlord's application for monetary compensation and an order to retain the security deposit in partial compensation of the monetary amount.

The hearing first convened on May 22, 2015. On that date the tenant stated that he had only very recently received the landlord's evidence and had not had sufficient time to review all of it. Additionally, the tenant submitted evidence to the Branch but did not serve it on the landlord. I determined it was appropriate to adjourn the hearing to allow the parties an opportunity to exchange and consider each other's evidence.

The hearing reconvened on July 14, 2015. On that date, the landlord stated that most of the matter had been settled, but they still wished to receive recovery of the \$50.00 filing fee. I therefore heard testimony from the parties only on the issue of the filing fee.

Issue(s) to be Decided

Is the landlord entitled to recovery of the filing fee?

Background and Evidence

The tenancy was for a fixed term ending on November 30, 2014. On October 1, 2014 the tenants informed the landlord that they intended to vacate the rental unit by October 31, 2014.

On October 10, 2014 the landlord informed the tenants that they were able to rent the unit for October 15, 2014, and the amount the tenants owed for rent and cleaning was \$752.50. On October 14, 2014 the landlord filed their application for monetary

compensation. On October 15, 2014 the tenants sent the landlord, via registered mail, a cheque for \$752.50.

The landlord stated that he waited almost as long as possible to file the application without penalty.

The tenant stated that it was not necessary for the landlord to make the application as early as they did.

Analysis

I find that the landlord is not entitled to recovery of the filing fee. The landlord failed to provide sufficient evidence of the date the tenancy ended or the date that the tenants provided a forwarding address in writing. The landlord had 15 days after the later of these two events to file their application. As I do not know either of those dates, I cannot determine whether the landlord made their application prematurely.

Conclusion

The landlord's application is 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: August 10, 2015

Residential Tenancy Branch

