



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 MNSD FF

Introduction

This hearing convened pursuant to the landlord's application for an order of possession and a monetary order for unpaid rent. The landlord participated in the teleconference hearing but the tenant did not.

The landlord submitted evidence to establish that the tenant was served with the application for dispute resolution and notice of hearing by registered mail sent on September 23, 2015. Section 90 of the Act states that a document is deemed to have been served five days after mailing. I found that the tenant was deemed served with notice of the hearing on September 28, 2015, and I proceeded with the hearing in the absence of the tenant.

The landlord stated that after being served with notice of the hearing, the tenant on September 29, 2015 paid all of the outstanding rent except \$1.00. The landlord stated that they wished to withdraw the portion of their application regarding an order of possession, and I did not consider that part of their application.

Issue(s) to be Decided

Is the landlord entitled to recovery of the filing fee and the outstanding rent?

Background and Evidence

The landlord stated that they sought to recover the \$50.00 filing fee for the cost of their application, as well as the \$1.00 remaining in outstanding rent.

Analysis

Based on the landlord's testimony, I am satisfied that the tenant owes \$1.00 in outstanding rent. I am also satisfied that the landlord is entitled to recovery of the filing fee, as the tenant may not have been motivated to pay the remaining outstanding rent if the landlord had not applied for dispute resolution.

Conclusion

I grant the landlord an order under section 67 for the balance due of \$51.00. This order may be filed in the Small Claims Court 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: December 8, 2015

Residential Tenancy Branch

