



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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

DECISION

Dispute Codes MNR, FF

Introduction and Background Evidence

This hearing convened as a result of the Landlord's Application for Dispute Resolution wherein the Landlord requested a Monetary Order for unpaid rent or utilities and to recover the filing fee.

Only the Landlord's Site Manager, E.S., appeared at the hearing (hereinafter referred to as the "Landlord"). He gave affirmed testimony and was provided the opportunity to present his evidence orally and in written and documentary form, and to make submissions to me.

The Landlord testified served the Tenant with the Notice of Hearing and their Application on July 23, 2015 by registered mail. Introduced in evidence was the tracking number as well as the "Canada Post—Track—Result Detail Print". Under the *Residential Tenancy Act* documents served this way are deemed served five days later; accordingly, I find the Tenant was duly served as of July 28, 2015.

On the Landlord's Application for Dispute Resolution they indicated they sought the sum of \$154.32 for unpaid utilities. Introduced in evidence were copies of letters sent by the Landlord to the Tenant from April 24, 2015 to July 7, 2015 regarding this amount. The Landlord applied for Dispute Resolution on July 17, 2015.

The Landlord testified that the Tenant continues to reside in the rental unit. He stated that the Tenant paid the outstanding amount for utilities on August 17, 2015 such that the Landlord no longer required compensation for unpaid utilities; accordingly, that request is noted as withdrawn. At the within hearing the Landlord confirmed that he sought only recovery of the \$50.00 filing fee.

Issues to be Decided

1. Is the Landlord entitled to recovery of the \$50.00 filing fee?

Analysis

Although the Tenant paid the outstanding amount upon being served with the Application for Dispute Resolution, the Landlord was forced to make the application and pay the fee to achieve this result.

Section 72(1) of the *Residential Tenancy Act* provides for recovery of the filing fee and reads as follows:

Director's orders: fees and monetary orders

72 (1) The director may order payment or repayment of a fee under section 59 (2) (c) [*starting proceedings*] or 79 (3) (b) [*application for review of director's decision*] by one party to a dispute resolution proceeding to another party or to the director.

Pursuant to section 72(1) I grant the Landlord's request for a Monetary Order in the amount of \$50.00. The Landlord must serve this Monetary Order on the Tenant and may file and enforce the Order in the B.C. Provincial Court (Small Claims Division).

Conclusion

The Landlord is entitled to recovery of the \$50.00 filing fee.

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: January 07, 2016

Residential Tenancy Branch

