



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Port Alberni Online, Inc
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking an order of possession and a monetary order.

The hearing was conducted via teleconference and was attended by the landlord's agent.

The landlord testified the tenant was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* by posting them to the rental unit door on March 22, 2016 in accordance with Section 89. Section 90 of the *Act* deems documents served in such a manner to be received on the 3rd day after they have been posted.

Based on the testimony of the landlord, I find that the tenant has been sufficiently served with the documents pursuant to the *Act*.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession for unpaid rent; to a monetary order for unpaid rent; for all or part of the security deposit and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 38, 46, 55, 67, and 72 of the *Act*.

Background and Evidence

The landlord submitted, at the outset of the hearing, that the tenant had paid all outstanding rent as of Saturday, April 30, 2016 and they no longer were pursuing either the order of possession or a monetary order for unpaid rent. The landlord stated they wish to allow the tenancy to continue.

Analysis

Based on the landlord's oral submissions I find landlord has withdrawn their request for an order of possession and a monetary order for unpaid rent. However, as per the landlord's undisputed testimony that the tenant only paid the outstanding rent just before this hearing, I find the landlord had a legitimate reason to submit the Application for Dispute Resolution. As such, I find the landlord is entitled to recover the filing fee for submitting this Application for Dispute Resolution.

Conclusion

I find the landlord is entitled to monetary compensation pursuant to Section 67 in the amount of **\$100.00** comprised of the fee paid by the landlord for this application.

I order the landlord may deduct the security deposit and interest held in the amount of \$250.00 in satisfaction of this claim, leaving a balance of \$150.00 as security deposit

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 02, 2016

Residential Tenancy Branch