



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Mainstreet Equity Corp.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPC FF

### Introduction

This hearing convened pursuant to the landlord's application for an order of possession. The landlord called in to 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 May 26, 2016. 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 May 31, 2016, and I proceeded with the hearing in the absence of the tenant.

At the outset of the hearing the landlord stated that the tenant had vacated the rental unit, and therefore the only outstanding issue was recovery of the filing fee.

### Issue(s) to be Decided

Is the landlord entitled to recovery of the filing fee?

### Background and Evidence

The tenancy started on January 1, 2014. On April 27, 2016 the landlord served the tenant with a notice to end tenancy for cause. The tenant did not dispute the notice, and he vacated the rental unit on June 1, 2016.

Analysis

I am satisfied, based on the evidence, that the tenant vacated the rental unit as a result of having been served with the landlord's application for dispute resolution. I therefore find that the landlord is entitled to recovery of the \$100.00 filing fee for the cost of their application.

Conclusion

The landlord is entitled to recovery of the filing fee.

I grant the landlord an order under section 67 for the amount due of \$100.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Alternatively, as per section 72 of the Act, the landlord may deduct this amount from any outstanding 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: July 22, 2016

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Residential Tenancy Branch