



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDL-S, FFL

### Introduction

This is an application by the landlord pursuant to the Residential Tenancy Act (the *Act*) for a Monetary Order for compensation for damages to rental premises under Section 67 and for reimbursement of the filing fee under Section 72.

The landlord BH appeared on behalf of both landlords. The tenant appeared with her advocate YK. Both parties were given a full opportunity to present oral and written evidence, cross-examine the other party, and make submissions.

The landlord filed a Notice of Hearing and evidentiary documents on April 16, 2018 which he testified were served by registered mail upon the tenant that day. The tenant acknowledged receipt. The tenant submitted evidentiary materials on May 30, 2018. Both parties acknowledged receipt of the other's materials.

### Preliminary Matter

At the outset of the hearing, the landlord stated the premises had been sold. He withdrew his claim for damages requesting leave to reapply. He requested a Monetary Order for reimbursement of his expenses for the filing fee (\$100.00) and registered mail (\$12.50) costs of sending the Notice of Hearing documents to the tenant.

### Issue to be Decided

Is the landlord entitled to a Monetary Order for reimbursement of the filing fee and the cost of sending the Notice of Hearing to the tenant of \$12.50 pursuant to Sections 67 and 72 of the *Act*?

### Analysis

Section 67 provides me with the authority to determine compensation under the *Act*.

Costs associated with pursuing a claim, such as registered mail, photocopies, or electronic storage device costs are not recoverable under the *Act*. As such, I dismiss the landlord's claim for these costs.

Section 72 specifically states 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.

Generally, filing fees are granted to applicants after they have successfully established a claim against the other party. When an applicant has submitted a claim, had a hearing scheduled and followed through to the point of the hearing only to then withdraw, as in this case, the respondent should not be required to reimburse the applicant's filing fee for essentially no claim.

The landlord has withdrawn his application and I therefore determine he is not entitled to compensation for these expenses.

### Conclusion

The landlord's application for recovery of the filing fee and registered mail costs is dismissed without leave to reapply.

I accept the landlords' withdrawal of their substantive claim. I note the landlords remain at liberty to file a new and separate Application for Dispute Resolution to claim against the tenant for any damages or losses they believe result from the tenancy subject to any and all limitations in the *Act*.

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: June 07, 2018

---

Residential Tenancy Branch