



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

OPR, MNR, MNSD & FF

The Application for Dispute Resolution filed by the landlord makes the following claims:

- a. An Order for Possession for non-payment of rent
- b. A monetary order in the sum of \$1618 for unpaid rent
- c. An Order to retain the security deposit.
- d. An order to recover the cost of the filing fee

The tenant(s) failed to appear at the scheduled start of the hearing which was 10:30 a.m. on June 13, 2018. The landlord was present and ready to proceed. I left the teleconference hearing connection open and did not start the hearing until 10 minutes after the schedule start time in order to enable the tenant to call in. The tenants failed to appear. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I then proceeded with the hearing. The landlord was given a full opportunity to present affirmed testimony, to make submissions and to call witnesses. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the Notice to End Tenancy was served on the Tenants by posting on March 12, 2018. Further I find that the Application for Dispute Resolution and Notice of Dispute Resolution Hearing was served on the Tenants by mailing, by registered mail to where the tenants reside on April 13, 2018. It was received by the Tenants on April 17, 2018. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided:

The issues to be decided are as follows:

- a. Whether the landlord is entitled to an Order for Possession?
- b. Whether the landlord is entitled to A Monetary Order and if so how much?
- c. Whether the landlord is entitled to retain all or a portion of the security deposit/pet deposit?
- d. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence:

The parties entered into a written tenancy agreement that provided that the tenancy would start in 2009. The present rent is \$1079 per month payable in advance on the first day of each month. The tenants paid a security deposit of \$427.50 at the start of the tenancy.

At the time the Notice to End Tenancy was served on the Tenants the tenants owed rent for March 2018. As of June 10, 2018 the tenants have paid the arrears and brought the tenancy into good standing. The tenants continue to reside in the rental unit.

Analysis - Order of Possession:

The landlord stated at the hearing that they were prepared to give the tenant(s) another chance and reinstate the tenancy at this time. He stated he was not seeking an Order of Possession. As a result I dismissed the application for an Order of Possession.

Analysis - Monetary Order and Cost of Filing fee:

The landlord stated he was still seeking to recover of the cost of the filing fee. I determined the landlord acted reasonably in filing this Application for Dispute Resolution. As a result I ordered that the Tenants pay to the Landlord the sum of \$100 for the cost of the filing fee.

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial Court and enforced as an Order of that Court.

This decision is final and binding on both parties.

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 13, 2018

Residential Tenancy Branch