



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding CAPILANO PROPERTY MANAGEMENT SERVICES and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      FFL, OPRM-DR

### Introduction

This hearing was convened by way of conference call. The Landlord originally applied on November 14, 2018 for an Order of Possession and Monetary Order for unpaid rent through the direct request process. A decision, Order of Possession and Monetary Order were issued November 22, 2018.

The Tenant sought review of the November 22<sup>nd</sup> decision and orders and a new hearing was granted on December 08, 2018. The new hearing was set for January 24, 2019 and came before me.

The Property Manager attended the hearing for the Landlord. The Tenant did not attend the hearing which proceeded for 24 minutes. Residential Tenancy Branch records show the review consideration decision and new notice of hearing were sent to the Tenant by mail December 14, 2018.

The Property Manager advised that the Order of Possession had been enforced and the Tenant had been removed from the rental unit by a bailiff December 10, 2018. Further, the Property Manager said the Tenant had paid November and December rent and that the only amount outstanding was the \$100.00 filing fee awarded in the direct request proceedings and included in the Monetary Order issued.

Given the Order of Possession has been enforced and the Tenant has vacated the rental unit, the Landlord's request for an Order of Possession is a moot point. The Monetary Order, as it relates to unpaid rent, is also a moot point given the Tenant has paid the outstanding rent. The only remaining issue is the filing fee awarded in the direct request proceeding. The Tenant did not appear at this hearing to provide a basis for that aspect of the Monetary Order to be varied or set aside. In the absence of the Tenant to provide some basis for doing so, I decline to vary or set aside the order that

the Tenant reimburse the Landlord for the \$100.00 filing fee. The original Monetary Order is confirmed as it relates to the filing fee.

### Conclusion

Review of the original decision, Order of Possession and Monetary Order is moot except in relation to reimbursement for the filing fee as the Tenant has vacated the rental unit and paid the outstanding rent. The Tenant did not appear at the hearing to provide a basis for varying or setting aside the prior order for the Tenant to reimburse the Landlord for the filing fee therefore the original Monetary Order is confirmed as it relates to the 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 *Act*.

Dated: January 25, 2019

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Residential Tenancy Branch