



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, OPN, MNRL, MNDL, FFL

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* ("Act") for:

- an order of possession for unpaid rent and based on a tenant's notice to end tenancy, pursuant to section 55;
- a monetary order for unpaid rent and for damage to the rental unit, pursuant to section 67; and
- authorization to recover the filing fee for this application, pursuant to section 72.

The tenant did not attend this hearing, which lasted approximately 12 minutes. The landlord attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

At the outset of the hearing, I notified the landlord that she did not provide any evidence for this hearing, including any notices to end tenancy. I informed her that I required the notices to end tenancy in order to make a decision for an order of possession, as per section 52 of the *Act*. The landlord asked if she could submit the notices after the hearing and I notified her that she was required to do so prior to the hearing, in order for the tenant to have notice of same. The landlord had ample time to submit her evidence, as she applied on March 6, 2020, and this hearing was held on April 20, 2020.

The landlord filed an amendment to remove her claim for a monetary order for damage to the rental unit. Pursuant to section 64(3)(c) of the *Act*, I amend the landlord's application to remove this claim.

I asked the landlord if she wanted to proceed with her monetary claim for unpaid rent. She confirmed that she had not submitted any evidence for this claim, so she wanted to reapply and submit the evidence at that time.

I notified the landlord that her application was dismissed with leave to reapply, except for the \$100.00 application filing fee. I informed her that since she was not prepared to proceed with the hearing, she was not entitled to recover the filing fee from the tenant. I notified the landlord that if she wanted to pursue this matter further, she was required to provide evidence of her claims, of service of her application, and any notices to end tenancy. I informed her that she was at liberty to file a new application and pay a new filing fee. She confirmed their understanding of same.

Conclusion

The landlord's application to recover the \$100.00 filing fee is dismissed without leave to reapply.

The remainder of the landlord's application is dismissed with leave to reapply.

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: April 20, 2020

Residential Tenancy Branch