



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

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

DECISION

Dispute Codes OPC

Introduction

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

- an order of possession for cause, pursuant to section 55.

The tenant did not attend this hearing, which lasted approximately 8 minutes. The landlord's agent ("landlord") attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The landlord confirmed that she was the property manager for the landlord company named in this application and that she had permission to speak on its behalf and the rental unit owner's behalf.

The landlord claimed that the tenant vacated the rental unit on March 1, 2020. The landlord said that she did not require an order of possession against the tenant. I notified her that this portion of the landlord's application was dismissed without leave to reapply.

The landlord stated that she filed an amendment to add two monetary claims, to retain the tenant's security deposit and to recover the \$100.00 filing fee for this application. The amendment is dated for March 11, 2020. She confirmed that she did not have any receipts or invoices to provide when she filed the amendment, since the tenant had just moved out, but she could provide them now. She provided a copy of the parties' tenancy agreement, the condition inspection reports, and a security deposit form with the landlord's amendment.

I notified the landlord that she obtained a priority earlier hearing date for the order of possession issue, after filing the landlord's original application on February 3, 2020. The landlord's monetary order claim is not a priority issue and was added more than a month after the landlord's application and after the tenant moved out. Further, the landlord did not submit all of her evidence for the security deposit claim, since she applied before obtaining the receipts and invoices to support the claim.

Rule 2.3 of the Residential Tenancy Branch *Rules of Procedure* allows me to sever issues that are not related to the main urgent application. I informed the landlord that the application to retain the tenant's security deposit was dismissed with leave to reapply.

Since I was not required to make a decision regarding the landlord's original application for the order of possession and the landlord could have included the claim to recover the filing fee in the landlord's original application, the claim to recover the \$100.00 filing fee is dismissed without leave to reapply.

Conclusion

The landlord's application for an order of possession and to recover the \$100.00 filing fee is dismissed without leave to reapply.

The landlord's application to retain the tenant's security deposit 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 07, 2020