



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Macdonald Commercial Real Estate Services Ltd  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPC, MNRL-s

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order of possession - Section 55;
2. A Monetary Order for unpaid rent - Section 67;
3. An Order to retain the security deposit; and
4. An Order to deduct monies owed from the security deposit - Section 72.

The Tenant did not attend the hearing. I accept the Landlord’s evidence that the Tenant was served with the application for dispute resolution, notice of hearing and all evidence (the “Materials”) by registered mail on April 29, 2020 in accordance with Section 89 of the Act. Section 90 of the Act provides that a document served in accordance with section 89 of the Act is deemed to be received if given or served by mail, on the 5th day after it is mailed. Given the evidence of registered mail I find that the Tenants is deemed to have received the Materials on May 4, 2020. The Landlord was given full opportunity to be heard, to present evidence and to make submissions.

The Landlord obtained an order of possession in a previous decision dated May 11, 2020 as the Tenant’s application to cancel a notice to end tenancy for cause (the “Notice”) was dismissed. As there is no longer any dispute over the end of the tenancy, I dismiss the claim for an order of possession based on the Notice.

Rule 2.3 of the Residential Tenancy Branch Rules of Procedure provides that claims made in an application must be related to each other and unrelated claims may be

dismissed with or without leave to reapply. As the unpaid rent and security deposit claims are not related to the issue of whether the tenancy will end for cause, I dismiss this claim with leave to reapply. As none of the claims in the application have been successful I dismiss the claim for recovery of 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: May 29, 2020

---

Residential Tenancy Branch