



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNRL-S, FFL

Introduction

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

- a monetary order for unpaid rent, pursuant to section 67;
- authorization to retain the tenants' security deposit, pursuant to section 38; and
- authorization to recover the filing fee for this application, pursuant to section 72.

The two tenants (male and female) did not attend this hearing, which lasted approximately 20 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.

The landlord stated that the tenants were served with the landlord's application for dispute resolution hearing package on June 27, 2020 for the male tenant and June 28, 2020 for the female tenant, both by registered mail. The landlord provided two Canada Post receipts and confirmed both tracking numbers verbally during the hearing. In accordance with sections 89 and 90 of the *Act*, I find that the male tenant was deemed served with the landlord's application on July 2, 2020, and the female tenant was deemed served with the landlord's application on July 3, 2020, five days after their registered mailings.

At the outset of the hearing, the landlord confirmed that both tenants were still residing in the rental unit. He stated that his application was to recover unpaid rent from March to June 2020, totalling \$6,000.00. He confirmed that there was also additional rent owing after June 2020. He said that he had not served the tenants with a written repayment plan for the unpaid rent.

I notified the landlord that his application for unpaid rent and to retain the security deposit against that rent, was dismissed with leave to reapply. I informed the landlord that unpaid rent between March and August 2020 during the covid-19 pandemic period was subject to Residential Tenancy Policy Guideline 52, which requires the landlord to serve the tenants with a written repayment plan first, which has not been done in this case. I informed him that his application to recover the \$100.00 filing fee was dismissed without leave to reapply, as he was not able to proceed with this application.

I notified the landlord that he could obtain information only, not legal advice, from information officers at the Residential Tenancy Branch (“RTB”). I informed him that he could hire a lawyer in order to obtain legal advice. I notified the landlord that he could consult the RTB website resources, including the *Act*, Residential Tenancy Branch *Rules of Procedure* and Residential Tenancy Policy Guidelines regarding any monetary claims and orders of possession claims. I informed him that would have to file a new application, pay a new filing fee, and provide evidence for a new hearing, if he chooses to pursue this matter further. The landlord confirmed his 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: September 29, 2020

Residential Tenancy Branch