



Dispute Resolution Services

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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 tenant's security deposit, pursuant to section 38; and
- authorization to recover the filing fee for this application, pursuant to section 72.

The tenant did not attend this hearing, which lasted approximately 15 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 tenant was served with the landlord's application for dispute resolution hearing package on July 15, 2020, by registered mail. The landlord provided a Canada Post receipt and confirmed the tracking number verbally during the hearing. In accordance with sections 89 and 90 of the *Act*, I find that the tenant was deemed served with the landlord's application on July 20, 2020, five days after its registered mailing.

At the outset of the hearing, the landlord confirmed that the tenant was still residing at the rental unit. He stated that his application was to recover unpaid rent from April to July 2020. He confirmed that there was also additional rent owing for October 2020, but he had filed a separate application by direct request at the Residential Tenancy Branch ("RTB") for this claim. He said that he had a repayment plan for the unpaid rent from April to July 2020, but he did not provide a copy of it because Residential Tenancy Policy Guideline 52 only came out in August 2020 and he filed his application before that in July 2020.

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 him 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 tenant with a written repayment plan first. The landlord did not provide a copy of the repayment plan as evidence for this hearing, even though he claimed that he had one. I find that the landlord had ample time to submit this evidence, as this hearing was held on November 5, 2020, months after the above policy guideline was issued in August 2020. 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 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 Residential Tenancy Policy Guidelines. I informed him that he 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: November 05, 2020

Residential Tenancy Branch