



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding RELIANCE PROPERTIES
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes RPP, FFT

Introduction

Pursuant to section 58 of the Residential Tenancy Act (the Act), I was designated to hear an application regarding the above-noted tenancy. The tenant applied for:

- an order for the landlord to return the tenant's personal property, pursuant to section 65; and
- an authorization to recover the filing fee for this application, under section 72.

Both parties attended the hearing. The landlord was represented by property manager BS (the landlord). All were given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

At the outset of the hearing the attending parties affirmed they understand the parties are not allowed to record this hearing.

Per section 95(3) of the Act, the parties may be fined up to \$5,000.00 if they record this hearing: "A person who contravenes or fails to comply with a decision or an order made by the director commits an offence and is liable on conviction to a fine of not more than \$5,000.00."

Both parties agreed the tenancy started on June 01 and ended on September 30, 2020. Monthly rent of \$2,615.00 was due on the first day of the month. The landlord collected and currently holds the security deposit of \$1,307.50 and a pet damage deposit of \$1,307.50.

At the outset of the hearing the tenant stated he is not seeking for an order for the landlord to return the tenant's personal property. The tenant testified the landlord hired a collection service company to charge him for October's 2020 rent and the tenant is seeking an order for the landlord to stop charging October's 2020 rent.

The landlord did not submit an application for dispute resolution and does not have a monetary order. The landlord hired a collection service company to charge the tenant October's 2020 rent.

The application for an order for the landlord to return the tenant's personal property is moot since the tenant is not seeking this order.

Section 62(4)(b) of the Act states an application should be dismissed if the application or part of an application for dispute resolution does not disclose a dispute that may be determined under the Act. I exercise my authority under section 62(4)(b) of the Act to dismiss the tenant's application.

For the purpose of educating the parties, I note that under section 7 of the Act, the parties may apply for a monetary order regarding any compensation related to the tenancy. The parties may only hire a collection service if they obtain a monetary order. Per section 60 of the Act, the parties may apply for dispute resolution within two years of the date that the tenancy to which the matter relates ended.

The tenant must bear the cost of the filing fee, as the tenant was not successful.

Conclusion

I dismiss the tenant's application in its entirety.

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: June 10, 2022

Residential Tenancy Branch