



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPM, MND, MNR, MNDC, MNSD, O, FF

Introduction

The landlord applies for an order of possession based on a written tenancy agreement ending the tenancy September 30, 2017. She also seeks a monetary award for unpaid September 2017 rent and for damages for the anticipated cost of cleaning and repair.

The tenant did not attend the hearing within fifteen minutes after its scheduled start time. The tenant was served with the application and notice of hearing by registered mail (Canada Post Tracking number shown on cover page of this decision). Canada Post records show that the item was mailed September 23, 2017 and went “unclaimed by recipient.” A party cannot avoid the dispute resolution process by declining to collect his mail. I find that the tenant has been duly served.

The fixed term tenancy agreement requires the tenant to vacate the rental unit by September 30, 2017. The tenant did leave and vacate by then. The landlord retook possession on October 1, 2017. An order of possession is not required.

The tenant paid the September rent. The landlord’s claim for it is therefore satisfied.

The landlord’s claim for the cost of cleaning and repair is, it was agreed, premature and unsupported by pertinent evidence. The landlord was permitted to withdraw that claim, with leave to re-apply.

As of the September date this application was made, the tenant had not paid the September rent and so I find that there was justification for the claim. I therefore award

the landlord recovery of the \$100.00 filing fee for this application and I authorize her to collect it by reduction from the \$225.00 security deposit she holds.

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: October 20, 2017

Residential Tenancy Branch