



# **Dispute Resolution Services**

Residential Tenancy Branch  
Office of Housing and Construction Standards  
Ministry of Housing and Social Development

## **Decision**

**Dispute Codes:** OPC FF

### **Introduction**

This application was brought by the landlord seeking an Order of Possession pursuant to a Notice to End Tenancy for cause served in person on September 22, 2008. The landlord also sought to recover the filing fee for this proceeding.

Despite being served with the Notice of Hearing sent by registered mail on October 10, 2008, the tenant did not call in to the number provided to enable his participation in the telephone conference call hearing. Therefore, it proceeded in his absence.

### **Issue(s) to be Decided**

This application requires a decision on whether the landlord is entitled to the Order of Possession and recovery of the filing fee for this proceeding.

### **Background and Evidence**

This tenancy began March 1, 2008. Rent is \$800 per month and the landlord holds a security deposit of \$400 paid on April 12, 2008.

At the commencement of the hearing, the landlord advised that the tenants had completed moving out about one hour prior to the hearing. However, he requested an Order of Possession to secure his right to possession of the rental unit.

### **Analysis**

I find that the landlord is entitled to the Order of Possession, and as the tenant has vacated, I have made it effective October 31, 2008 as stipulated on the Notice to End Tenancy. As the tenant honoured the Notice to End, and the hearing turned out to be unnecessary, I decline to find the tenants responsible for the filing fee for this proceeding.

### **Conclusion**

Thus, the landlord's copy of this decision is accompanied by an Order of Possession, enforceable through the Supreme Court of British Columbia, effective October 31, 2008.

Dated: October 31, 2008