



# Dispute Resolution Services

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

## **DECISION AND REASONS**

**Dispute Codes:** *OPC, MNDC, FF.*

### **Introduction**

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for orders as follows:

- An order of possession pursuant to Section 55;
- A monetary order for money owed under the tenancy agreement, pursuant to Section 67;
- An order to recover the cost of filing this application, pursuant to Section 72.

The one month notice to end tenancy for cause dated December 04, 2008 was served on the tenant, on the same day. Both parties attended the hearing and were given full opportunity to present evidence and make submissions. On the basis of the solemnly affirmed evidence presented at the hearing, a decision has been reached.

### **Issues to be decided**

- Is the notice to end tenancy valid?
- Is the landlord entitled to an order of possession for cause?
- Is the landlord entitled to a monetary order to recover money owed by the tenant and the filing fee?

### **Background and Evidence**

The landlord testified that the tenancy started on April 01, 2008. The monthly rent is \$1350.00 due in advance on the first day of the month. On March 15, 2008, the tenant paid a security deposit of \$675.00. At the start of the hearing, the tenant stated that the tenant did not dispute the notice to end tenancy and would be moving out prior to the effective date of the notice, which is January 31, 2009. The tenant agreed that the tenant owed the landlord the amount of \$50.00 which is the amount of the fine levied by the strata for infractions on the part of the tenant.

Regarding the filing fee, the tenant did not agree that this application was necessary as the tenant had verbally indicated to the landlord that the tenant intended to move out. The landlord is applying for an order of possession and a monetary order in the amount of \$100.00 which consists of \$50.00 for the Strata fine and \$50.00 for the filing fee.

### **Analysis**

Based on the sworn testimony of both parties, I accept the landlord's evidence in respect of the claim. I find that the landlord is entitled to an order of possession for the effective date of the notice to end tenancy. Pursuant to section 55(2), I am issuing a formal order of possession effective January 31, 2009. This Order may be filed in the Supreme Court for enforcement.

I also find that the landlord is entitled to recover the fine of \$50.00 that the tenant agrees to pay. I find that both parties should share the cost of the filing fee for this application and accordingly, I order that the landlord retain \$75.00 from the security deposit in satisfaction of the claim.

### **Conclusion**

I grant the landlord an order of possession effective **January 31, 2009** and the landlord may retain \$75.00 from the security deposit in full satisfaction of this claim.

Dated January 20, 2009.

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Dispute Resolution Officer