

Dispute Resolution Services

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

DECISION AND REASONS

Dispute Codes: *OPC, FF*

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession and a monetary order to recover the filing fee. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Since the tenant moved out on June 30, 2009, an order of possession was no longer required. Therefore, this hearing only dealt with the landlord's claim for the filing fee.

Issues to be decided

Is the landlord entitled to a monetary order to recover the filing fee?

Background and Evidence

The tenancy started on May 01, 2008. The monthly rent was \$1,000.00 payable on the first of each month. On May 30, 2009 the landlord served the tenant with a 30 day notice to end tenancy for cause. The effective date of the notice was June 30, 2009. The tenant moved out on that day.

Analysis

Since the tenant moved out as per the date of the notice to end tenancy, I find that this application by the landlord for an order of possession was premature and unnecessary. Accordingly the landlord must bear the cost of filing this application.

Conclusion

The landlord's application for the filing fee is dismissed.

Dated August 24, 2009.

Dispute Resolution Officer