



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

ET and FF

Introduction

This hearing was scheduled in response to the Landlord's Application for Dispute Resolution, in which the Landlord has made application for an Order of Possession, for an early end to the tenancy, and to recover the filing fee from the Tenant for the cost of this Application for Dispute Resolution. The Landlord withdrew the application for an Order of Possession and an early end to this tenancy, as she the Tenant abandoned the rental unit, which was not determined until October 30, 2009.

The Landlord stated that she posted copies of the Application for Dispute Resolution and Notice of Hearing on the front door of the rental unit on October 24, 2009 in the presence of her husband. She stated that she also mailed these documents to the Tenant at the rental unit on October 25, 2009. She submitted a copy of a Canada Post receipt to corroborate this statement. These documents are deemed to have been served in accordance with section 89 of the *Residential Tenancy Act (Act)*, however the Tenant did not appear at the hearing.

Issue(s) to be Decided

The issue to be decided is whether the Landlord is entitled to recover the filing fee from the Tenant for the cost of the Application for Dispute Resolution, pursuant to section 72 of the *Act*.

Background and Evidence

The Landlord submitted a written tenancy agreement that declares this tenancy began on June 01, 2009; that the Tenant is required to pay monthly rent of \$680.00 per month; that the Tenant paid a security deposit of \$340.00; and that the Tenant is not permitted to smoke inside the rental unit.

The Landlord declared that the Landlord wished to end this tenancy early as the Tenant smokes inside on a regular basis, that he frequently consumes alcohol to the point of intoxication; that the Tenant has tampered with the smoke detector during this short tenancy; and that the Tenant's alcohol consumption in combination with his smoking



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inside the rental unit constitutes a safety hazard for the other occupants of the residential complex.

Conclusion

I find that the Landlord did not need to establish grounds to end this tenancy early, pursuant to section 56 of the *Act*, as the Tenant abandoned the rental unit without proper notice

I find that the actions of the Tenants were sufficient to make application to end this tenancy early and that the tenancy may have ended pursuant to section 56 of the *Act* if the Tenant had not ended the tenancy without proper notice. On this basis, I find that the Landlord is entitled to recover the filing fee for the cost of this Application for Dispute Resolution. I hereby authorize the Landlord to retain \$50.00 of the Tenant's security deposit as compensation for this filing fee.

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: November 02, 2009.

Dispute Resolution Officer