



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      OPC

### Introduction

This hearing dealt with the landlord's application seeking an Order of Possession further to a 1 month Notice to End Tenancy for Cause served upon the tenant due to a breach of a material term of the tenancy.

The landlord testified that the tenant was served in person with notice of this application and hearing on October 15, 2010. The tenant did not appear. I proceeded with the hearing in the tenant's absence.

### Issues(s) to be Decided

Did the tenant breach the tenancy agreement entitling the landlord to an Order of Possession?

### Background and Evidence

This tenancy began on August 1, 2009 for the monthly rent of \$725.00 and a security deposit of \$312.50. On September 27, 2010 the tenant was served in person with a 1 month Notice to End Tenancy for Cause due to a breach of a material term of the tenancy agreement. The tenant did not dispute the notice.

The landlord confirmed in the hearing that the tenant vacated the rental unit on October 26, 2010. The tenant did not provide a forwarding address.

### Analysis

I grant the landlord's application; however, an Order of Possession is no longer necessary as the tenant has vacated the rental unit. I grant the landlord's request to recover the \$50.00 filing fee paid for this application from the tenant.

The landlord may retain the \$50.00 from the tenant's security deposit. The remaining balance of the security deposit should be dealt with in accordance with section 38(1) of the *Act*.

Conclusion

The landlord's application is granted and I have ordered that the landlord may recover the \$50.00 filing fee from the tenant's security deposit.

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 28, 2010.

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Dispute Resolution Officer