



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPC, FF

Introduction

This is the Landlord's application for an Order of Possession; and to recover the cost of the filing fee from the Tenants.

The Landlord gave affirmed testimony at the Hearing.

The Landlord testified that he served the Tenants with the One Month Notice to End Tenancy for Cause on March 28, 2011, at the rental unit.

The Landlord testified that the Tenants were avoiding service of the Notice of Hearing documents, so he provided two envelopes (one for each Tenant) containing the Notice of Hearing documents to an adult person who lived with the Tenants, on April 16, 2011. I am satisfied that the Tenants were served with the Notice of Hearing documents in accordance with the provisions of Section 89(2)(c) of the Act. The Tenants did not sign into the teleconference and the Hearing continued in their absence.

Preliminary Matters

The Landlord testified that the Tenants and the other occupants moved out of the rental unit on May 4, 2011. Therefore, the Landlord no longer requires an Order of Possession as he has taken back possession of the rental unit. The Landlord testified that the Tenants paid a security deposit in the amount of \$475.00 at the beginning of the tenancy.

The Landlord's application had merit, and he is entitled to recover the cost of the filing fee from the Tenants. Pursuant to the provisions of Section 72 of the Act, the Landlord may deduct the \$50.00 filing fee from the security deposit. The remainder of the security deposit must be administered in accordance with the provisions of the Act.

Conclusion

The Landlord's application for an Order of Possession is dismissed.

The Landlord may deduct the \$50.00 filing fee from the security deposit. The remainder of the security deposit must be administered in accordance with the provisions of the Act.

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: May 10, 2011.

Residential Tenancy Branch