



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** OPR, 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 for the filing fee.

The notice of hearing was served on the tenant on July 11, 2011, in person by the landlord. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

### **Issues to be decided**

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

### **Background and Evidence**

The tenancy started on December 2010. The monthly rent is \$825.00, due on the first of each month. Prior to moving in the tenant paid a security deposit of \$412.50.

On June 29, 2011, a hearing was conducted to resolve a dispute between these two parties. The tenant had applied to cancel the notice to end tenancy and for other remedies. The Dispute Resolution Officer upheld the notice to end tenancy. The landlord did not request for an order of possession and therefore he did not receive one, even though the notice to end tenancy was upheld.

The landlord has now filed an application for an order of possession effective two days after service on the tenant and for the recovery of the filing fee.

**Analysis**

Based on the undisputed sworn testimony of the landlord and on the decision dated June 29, 2011(#773055), I accept the landlord's evidence in respect of the claim and I find that the landlord is entitled to an order of possession. Pursuant to section 55(2) I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

I also find that the landlord is entitled to the recovery of the filing fee of \$50.00. Since the tenancy is ending, I authorize the landlord to retain this amount from the security deposit.

**Conclusion**

I grant the landlord an order of possession effective two days after service on the tenant. The landlord may retain \$50.00 from the 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: August 08, 2011.

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Residential Tenancy Branch