



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** *OPC, MNSD, FF*

### **Introduction**

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession and for a monetary order for the filing fee. The landlord also applied to retain the security deposit in satisfaction of her claim.

At the start of the hearing, I determined that the tenant did not owe any rent and that the tenant was still in occupation of the rental unit. The landlord stated that the tenant had a large amount of personal belongings that needed to be removed and wanted to retain the security deposit towards the cost of removing these items and cleaning the rental unit, in the event the tenant failed to do so. I explained to the landlord that the tenant should be given an opportunity to do so and therefore his application to retain the security deposit in anticipation of having to clear and clean the unit, is dismissed with leave to reapply.

Accordingly, this hearing only dealt with the landlord's application for an order of possession and a monetary order for the filing fee.

Both parties attended the hearing and were 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 November 15, 2011. The monthly rent is \$400.00 due in advance on the fifteenth of each month. Prior to moving in, the tenant paid a security deposit of \$200.00. On March 02, 2012, the landlord served the tenant with a 30 day notice to end tenancy, for cause. The tenant did not dispute the notice and stated during the hearing that she had plans to move out on or before May 01, 2012.

The landlord is applying for an order of possession effective date this date and a monetary order in the amount of \$50.00 for the filing fee.

**Analysis**

Based on the sworn testimony of the both parties, I accept the landlord's evidence in respect of the claim. The tenant received the notice to end tenancy for cause on March 02, 2012, did not dispute the notice and has agreed to move out by May 01, 2012. Pursuant to section 55(2) I am issuing a formal order of possession effective on or before 1:00 p.m. on May 01, 2012. The Order may be filed in the Supreme Court for enforcement.

Since the landlord has proven her case, she is entitled to the recovery of the filing fee of \$50.00. The landlord may retain this amount from the security deposit.

**Conclusion**

I grant the landlord an order of possession effective on or before **1:00 p.m. on May 01, 2012**. 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: April 24, 2012.

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Residential Tenancy Branch