



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPB, FF, O

Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order of Possession - Section 55;
2. An Order to recover the filing fee for this application - Section 72 and
3. Other: Order of Possession based on Tenant’s notice to end tenancy.

I accept the Landlord’s evidence that the Tenant was personally served with the application for dispute resolution and notice of hearing on June 7, 2012 in accordance with Section 89 of the Act. The Tenant did not participate in the conference call hearing. The Landlord was given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession?

Is the Landlord entitled to recovery of the filing fee?

Background and Evidence

The tenancy began on November 1, 2011. Rent in the amount of \$1,450.00 is payable in advance on the first day of each month. At the outset of the tenancy, the Landlord collected a security deposit from the Tenant in the amount of \$725.00. On March 1, 2012 the Tenant gave the Landlord a written notice to end the tenancy for April 30, 2012. At the end of April 2012, the Tenant asked to extend the end of the tenancy to May 31, 2012 and the Landlord agreed. The unit was advertised and some persons were interested in renting the unit for June 1, 2012 however the Tenant again asked to

stay for another month and the Landlord agreed only to extend the end of tenancy notice to June 30, 2012. The Landlord requests an Order of Possession effective June 30, 2012.

Analysis

Section 55 of the Act provides that a landlord may request an order of possession by making an application for dispute resolution where a notice to end tenancy has been given by the tenant. Based on the undisputed evidence of the Landlord, I find that a notice to end tenancy has been given by the Tenant. Accordingly, I find that the Landlord is entitled to an Order of Possession effective June 30, 2012. I also find that the Landlord is entitled to recovery of the \$50.00 filing fee and I order the Landlord to retain this amount from the security deposit.

Conclusion

I grant an Order of Possession to the Landlord effective June 30, 2012.

I order the Landlord to 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: June 25, 2012.

Residential Tenancy Branch