



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, FF

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an Order of Possession for cause pursuant to section 55; and
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

The tenant did not attend this hearing, although I waited until 9:45 a.m. in order to enable her to connect with this teleconference hearing scheduled for 9:30 a.m. The landlord attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions. The landlord testified that he handed the tenant a 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) on September 27, 2012. The landlord testified that he sent the tenant a copy of the landlord's dispute resolution hearing package by registered mail on October 2, 2012. He provided the Canada Post Tracking Number to confirm this registered mailing. I am satisfied that the landlord served the above documents to the tenant in accordance with the *Act*.

At the commencement of the hearing, the landlord testified that the tenant vacated the rental unit on November 2, 2012. As this tenancy has ended and the landlord already has possession of the rental unit, the landlord withdrew the application for an Order of Possession for cause. The landlord's application to end the tenancy and obtain an Order of Possession is withdrawn.

Issues(s) to be Decided

Is the landlord entitled to recover the filing fee for this application from the tenant?

Background and Evidence

This six-month fixed term tenancy commenced on February 1, 2012. At the expiration of the initial term of the tenancy, the tenancy continued as a periodic tenancy. Monthly rent by the end of the tenancy was set at \$645.00, payable in advance on the first of each month. The landlord continues to hold the tenant's \$322.50 security deposit paid on January 12, 2012.

Analysis

Based on the undisputed evidence from the landlord, I am satisfied that the landlord is entitled to recover the filing fee for this application from the tenant as it was necessary to file for dispute resolution in order to obtain an end to this tenancy. I allow the landlord to recover the \$50.00 filing fee from the tenant by retaining this amount from the tenant's security deposit.

Conclusion

I issue a monetary award in the landlord's favour in the amount of \$50.00 to allow the landlord to recover his filing fee. In order to implement this monetary award, I order the landlord to retain \$50.00 from the tenant's security deposit. The revised value of the tenant's security deposit currently held by the landlord is now set at \$272.50.

The landlord's application to end this tenancy for cause and obtain an Order of Possession on that basis is withdrawn.

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: November 23, 2012

Residential Tenancy Branch

