



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPC, FF

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession and for the recovery of the filing fee. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

The parties acknowledged receipt of evidence submitted by the other and gave affirmed testimony.

Issues to be decided

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

Background and Evidence

The tenancy started on January 15, 2013. The monthly rent is \$1,700.00 due in advance on the first of each month.

Prior to moving in the tenant paid a security deposit of \$850.00 and agreed to pay a pet deposit on or before February 15, 2013. The tenant failed to do so and on February 17, 2013, the landlord served the tenant with a one month notice to end tenancy for non payment of the pet deposit and for paying rent late. The tenant did not dispute the notice.

The landlord testified that on February 22, the tenant paid part of the deposit and then paid the balance a week later. The landlord agreed to cancel the notice to end tenancy and allow the tenancy to continue.

Analysis

The landlord has withdrawn the notice to end tenancy and therefore the tenancy will continue. I find that the landlord was forced to serve the tenant with a notice to end tenancy and make this application before the tenant paid the pet deposit. Therefore I award the landlord the recovery of the filing fee of \$50.00. The landlord may retain \$50.00 of the security deposit at the end of the tenancy.

Conclusion

The notice to end tenancy is set aside and the tenancy will continue. The landlord may retain \$50.00 from the security deposit for the recovery of the filing fee.

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: March 28, 2013

Residential Tenancy Branch