



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPL, MNDC, FF

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for an order of possession pursuant to a notice to end tenancy for landlord's use of property. The landlord also applied for the recovery of the compensation that he paid the tenant and for the filing fee.

The landlord served the tenant with the notice of hearing in person on July 31, 2013. Despite having been served with the notice, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

During the hearing, the landlord informed me that the tenant had already moved out and that he was in possession of the rental unit. Since the tenant has moved out, the landlord withdrew his application for an order of possession.

Background and Evidence

The tenancy started on November 01, 2012. The monthly rent was \$400.00 due in advance on the first of each month. Prior to moving in the tenant paid a security deposit of \$200.00.

On June 18, 2013, the landlord served the tenant with a ten day notice to end tenancy for landlord's use of property with an effective date of August 31, 2013. The landlord testified that he gave the tenant \$400.00 as compensation pursuant to the notice. The tenant did not pay rent for August and moved out on August 31, 2013.

The landlord has applied for the return of the compensation paid to the tenant as the tenant occupied the rental unit, rent free for the last month of the tenancy. The landlord agreed to keep the security deposit in full settlement of his monetary claim against the tenant for the return of compensation and for the recovery of the filing fee.

Conclusion

The landlord may retain the entire security deposit of \$200.00 in full settlement of his claim against the tenant.

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: September 05, 2013

Residential Tenancy Branch

