



# 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 an Application for Dispute Resolution by the landlord for an order of possession based on a 1 Month Notice to End Tenancy for Cause, issued October 8, 2013, and to recover the cost of the filing fee.

The landlord attended the hearing. As the tenant did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered.

The Residential Tenancy Branch Rules of Procedure states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The landlord testified the Application for Dispute Resolution and Notice of Hearing were served on the tenant in person on October 25, 2013. I find that the tenant has been duly served in accordance with the Act.

### Preliminary matter

At the outset of the hearing the landlord stated the tenant has vacated the rental unit and an order of possession is no longer required. The landlord seeks to recover the cost the filing fee from the tenant.

### Issue to be Decided

Is the landlord entitled to recover the cost of the filing fee from the tenant?

### Background and Evidence

The parties entered in to a six month fixed term tenancy agreement which began on August 1, 2013. Rent in the amount of \$900.00 was payable on the first of each month. A security deposit of \$450.00 and a pet damage deposit of \$450.00 were paid by the tenant.

The landlord testified that the tenant was served with a notice to end tenancy for cause on October 8, 2013. The landlord stated that the only reason they filed their application

was that the tenant informed them that they were not going to vacate the rental unit on the effective date of the notice.

### Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

The evidence of the landlord was that they filed their application for an order of possession because the tenant informed them that they were not going to vacate the premises on the effective date of the notice.

In this case, the tenant did not file an application to dispute the notice and informed the landlord that they would not be vacating the rental unit. I find the landlord was entitled to file their application for dispute resolution as it appeared to have merit. Therefore, I find the landlord is entitled to recover the cost of the filing fee from the tenant.

I order the landlord to retain from the tenant's security deposit the amount of \$50.00, in full satisfaction of this monetary award.

### Conclusion

The tenant has vacated the rental unit and as a result the landlord no longer requires an order of possession.

The landlord is authorized to retain the amount of \$50.00 from the tenant's security deposit to recover the cost of the filing fee from 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: December 04, 2013

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Residential Tenancy Branch

