



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPC, MND, FF

Introduction

This hearing was scheduled in response to the landlord's application for an order of possession / a monetary order as compensation for damage to the unit, site or property / and recovery of the filing fee. Both parties attended and gave affirmed testimony.

Issue(s) to be Decided

Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement.

Background and Evidence

There is no written tenancy agreement in evidence for this tenancy which began in November 2013. Monthly rent of \$850.00 is due and payable in advance on the first day of each month, and a security deposit of \$500.00 was collected.

Pursuant to section 47 of the Act which speaks to **Landlord's notice: cause**, the landlord issued a 1 month notice to end tenancy dated May 06, 2014. The notice was served by way of posting on the unit door on that same date. A copy of the notice was submitted in evidence. There are several different reasons identified on the notice in support of its issuance. Subsequently, the landlord filed an application for dispute resolution on June 11, 2014. The tenant did not file an application to dispute the notice, and he takes the position that as the 1 month notice does not bear the landlord's signature, it is not a valid notice.

During the hearing the parties undertook to resolve the dispute.

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, forms and more can be accessed via the website: www.rto.gov.bc.ca

Section 63 of the Act speaks to the **Opportunity to settle dispute**, and provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, discussion led to resolution of a principal aspect of the dispute, and it was specifically agreed as follows:

RECORD OF SETTLEMENT

- that the tenant will vacate the unit by not later than **Sunday, August 31, 2014**, and that an **order of possession** will be issued in favour of the landlord to that effect.

For the present time, the landlord withdrew the aspect of his application concerning a monetary order as compensation for damage to the unit, site or property.

As the parties achieved settlement of a principal aspect of their dispute, I find that the landlord has established entitlement to recovery of $\frac{1}{2}$ the filing fee in the amount of **\$25.00** ($\$50.00 \div 2$). I hereby order that the landlord may recover this amount by way of withholding it from the tenant's security deposit at the end of tenancy.

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective **Sunday, August 31, 2014**. This order must be served on the tenant. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

I hereby order that the landlord may withhold **\$25.00** from the tenant's security deposit at the end of tenancy in order to recover $\frac{1}{2}$ the \$50.00 filing fee paid for this application.

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 30, 2014

Residential Tenancy Branch

