



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPL, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested an Order of possession for landlord's use and to recover the filing fee cost.

There was no dispute that on March 31, 2014 the tenant received a 2 month Notice ending tenancy for landlord's use of the property. The effective date of the Notice was May 31, 2014. The tenant did not vacate on the effective date and on June 2, 2014 the landlord applied for dispute resolution.

The landlord obtained possession of the unit at the end of June 2014.

The landlord asked to amend the application to include a claim for unpaid rent and to retain the \$850.00 security deposit. As the tenant had not been served with notice of a monetary claim I declined to amend the application. The parties did not wish to reach a mutually settled agreement.

Each party is at liberty to make any future application, in accordance with the legislation.

As the landlord's application was made beyond the effective date of the Notice and, as the tenant had not disputed the Notice and had not vacated I find that the application was not unreasonable and that the landlord is entitled to the \$50.00 filing fee cost. The filing fee may be deducted from the security deposit held in trust. Therefore, I find that the landlord is currently holding a security deposit in the sum of \$800.00; which must be disbursed in accordance with the Act.

Conclusion

The tenancy has ended; an Order of possession is not required.

The landlord is entitled to the \$50.00 filing fee which will be deducted from the security deposit. The landlord will continue to hold a deposit in the sum of \$800.00 which must be disbursed in accordance with the Act.

This decision is final and binding and 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: July 21, 2014

Residential Tenancy Branch

