



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNR, OPC & FF

Introduction

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the one month Notice to End Tenancy was personally served on the Tenant on September 20, 2014. Further I find that the Application for Dispute Resolution/Notice of Hearing filed by each party was sufficiently served on the other. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the one month Notice to End Tenancy dated September 17, 2014 and setting the end of tenancy for October 31, 2014?
- b. Whether the landlord is entitled to an Order for Possession?
- c. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

The parties entered into a written tenancy agreement that provided that the tenancy would start on February 1, 2014. The rent is \$550 per month payable in advance on the first day of each month. The tenant paid a security deposit of \$275 at the start of the tenancy.

The tenant vacated the rental unit at the end of November and returned the keys to the landlord on December 3, 2014.

Tenant's Application:

The tenant vacated the rental unit at the end of November and is not interested in reinstating the tenancy agreement. **As a result I ordered that the tenant's application to cancel the one month Notice to End Tenancy dated September 17, 2014 be dismissed without liberty to re-apply.**

Landlord's Application:

It is no longer necessary to consider the landlord's application for an Order for Possession as the tenant has vacated the rental unit and the landlord has regained possession. However, I determined the landlord acted reasonably in filing the within application as the tenant failed to leave on the end of tenancy date set out in the Notice. **As a result I ordered that the tenant pay to the landlord \$50 for the cost of the filing fee such sum may be deducted from the security deposit.**

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial Court and enforced as an Order of that Court.

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, 2014

Residential Tenancy Branch

