



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      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 sufficiently served on the Tenant by posting on October 25, 2014. Further I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the tenant by mailing, by registered mail to where the tenant resides on November 14, 2014. 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 landlord is entitled to an Order for Possession?
- b. Whether the landlord is entitled to recover the cost of the filing fee?

### Background and Evidence

The parties entered into a one year fixed term written tenancy agreement that provided that the tenancy would start on October 1, 2014 and end on November 30, 2015. The

rent was \$1400 per month payable on the first day of each month. The tenant paid a security deposit of \$700 at the start of the tenancy.

The tenant vacated the rental unit on November 30, 2014.

Analysis - Order of Possession:

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.

Cost of the Filing Fee:

I determined the landlord acted reasonably in filing the within Application for Dispute Resolution. **As a result I ordered that the tenant pay to the landlord the cost of the filing fee in the sum of \$50 such sum may be deducted from the security deposit.**

The landlord filed Monetary Order worksheet in which it identified a claim for the cost of cleaning and registered mail. The landlord failed to amend the Application for Dispute Resolution to make this claim. As a result an arbitrator cannot consider it.

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 11, 2014

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Residential Tenancy Branch

