



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord to end tenancy early and obtain an order of possession and to recover the filing fee from the tenant.

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 in person, on May 10, 2016.

I find that the tenant has been duly served in accordance with the Act.

Preliminary matter

At the outset of the hearing the landlord indicated that the tenant vacated the rental unit on May 30, 2016, and an order of possession is not required. The landlord stated that the only issue remaining is to recover the filing fee from the tenant.

Issue to be Decided

Are the landlords entitled to recover the filing fee from the tenant?

Background and Evidence

The landlord testified that the tenant was given a 1 Month Notice to End Tenancy for Cause. However, after the tenant was served with the notice an incident occurred and the tenant's guest attempted to assault the landlord.

The landlord testified as a result of that incident they made their application to end the tenancy earlier.

Analysis

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

I am satisfied based on the landlord's testimony that the landlord's application had merit. Although it was not necessary for me to consider, or make any finding on the issue to end tenancy early.

Therefore, I find the landlords are entitled to recover the filing fee from the tenant. I authorize the landlords to retain the amount of \$100.00 from the tenant's security deposit in full satisfaction of this ward.

Conclusion

The landlords are authorized to retain the above amount from the security deposit in full satisfaction of the above monetary award

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 06, 2016

Residential Tenancy Branch