



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FF

Introduction

This hearing was scheduled to deal with a landlord's application for an order to end the tenancy early and obtain an Order of Possession under section 56 of the Act. The tenants did not appear at the hearing. The landlord sent a hearing package to each tenant at the rental unit address via registered mail on July 12, 2016. The landlord provided registered mail receipts, including tracking numbers, as proof of service. I was satisfied the tenants were duly served with notification of this proceeding and I continued to hear from the landlord without the tenants present.

At the outset of the hearing the landlord testified that the tenants vacated the rental unit and returned the keys to the property to the landlord on July 31, 2016; however, the tenants have left some possessions on the exterior of the house. The landlord stated that the tenants informed her that they intend to return to the property today to retrieve the remainder of their possessions. The landlord described the property as being mostly old furniture of little or no value. I was satisfied that the tenants have vacated the rental unit and the landlord does not require an Order of Possession. Accordingly, one is not provided to the landlord. I referred the landlord to the abandoned property rules in the Residential Tenancy Regulations should the tenants not return to retrieve the rest of their possessions from the exterior of the house.

The landlord requested authorization to recover the filing fee paid for this application by deducting it from the tenants' security deposit.

Issue(s) to be Decided

Recovery of the filing fee.

Background and Evidence

The landlord submitted that the tenants had caused two floods in the property in less than three months, causing significant damage to the property and disturbing the tenants living in the unit below. The landlord testified that at the time of filing this Application the tenants were still in possession of the rental unit and the tenants had informed the landlord that they would not be vacating the rental unit despite their actions and the upcoming expiry of their fixed term tenancy agreement which requires them to vacate the unit at the end of the tenancy.

Analysis

Under section 72 of the Act I have the authority and discretion to award recovery of the filing fee to a party. I also have the authority to authorize a landlord to make deductions from a tenants' security deposit.

Based upon the undisputed submissions of the landlord I was satisfied that landlord had a basis for filing this Application and I award the landlord recovery of the \$100.00 filing fee from the tenants. Therefore, I grant the landlord's request and I authorize the landlord to deduct \$100.00 from the tenants' security deposit.

Conclusion

The tenants have since vacated the rental unit and an Order of Possession is no longer required. However, I found the landlords Application to have merit and I have authorized the landlord to recover the filing fee from the tenants by deducting \$100.00 from their security deposit.

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: August 03, 2016

Residential Tenancy Branch