



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: CNC OPC

### **Introduction:**

Both parties were present at the hearing and confirmed the Notice to End Tenancy dated June 13, 2016 was served by posting it on the door and the Application for Dispute Resolution by registered mail. The landlord applies for an Order of Possession and a monetary order for a strata fine and filing fee.

**Issues:** Has the landlord proved on the balance of probabilities that there is good cause to end this tenancy and to obtain compensation?

### **Background and Evidence:**

Both parties attended the hearing and were given opportunity to be heard, to provide evidence and to make submissions. It is undisputed the tenancy began January 2005, rent is \$2395 a month and a security deposit of \$1197.50 was paid. The landlord served the Notice to End Tenancy because the strata had proof the tenant violated their bylaws by renting the unit through airbnb and fined the landlord.

In the hearing, the parties confirmed they had settled the matter. The tenant has vacated and paid the strata fine. The landlord has returned the security deposit minus the filing fee for this hearing. The tenant confirmed she had given the landlord permission to withhold the filing fee from the security deposit and she had had the balance refunded.

### **Analysis:**

Based on the evidence, I find the parties have amicably settled this matter. The tenant has vacated and paid the fine and agreed to have the filing fee deducted from her security deposit. She has had the balance refunded.

### **Conclusion:**

I dismiss this Application as the parties have amicably resolved the matter. I find the landlord is not entitled to a filing fee as he has recovered this already from the tenant.

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 09, 2016

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Residential Tenancy Branch

