



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, LRE, OPC, OPB, FF

Introduction

This hearing was convened in response to an application by the Landlord and an application by the Tenant pursuant to the *Residential Tenancy Act* (the "Act").

The Landlord applied on December 8, 2016 for:

1. An Order of Possession - Section 55; and
2. An Order to recover the filing fee for this application - Section 72.

The Tenant applied on December 12, 2016 for:

1. An Order cancelling a notice to end tenancy - Section 47;
2. An Order suspending the landlord's right to enter the unit - Section 70; and
3. An Order to recover the filing fee for this application - Section 72.

The Tenant did not attend the hearing. I accept the Landlord's evidence that the Tenant was witnessed being served with the application for dispute resolution and notice of hearing in person on December 9, 2016 in accordance with Section 89 of the Act. The Landlord was given full opportunity to be heard, to present evidence and to make submissions. As the Tenant did not attend the hearing to pursue its own application I dismiss the Tenant's application.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Is the Landlord entitled to recovery of the filing fee?

Background and Evidence

The tenancy started on February 1, 2016. Rent of \$675.00 is payable on the first day of each month. At the outset of the tenancy the Landlord collected \$337.50 as a security deposit. On November 15, 2016 the Landlord served the Tenant with a one month notice to end tenancy for cause (the "Notice") by giving the Notice to the Tenant in person. The Notice, on the approved form, contains several reasons, sets out the address of the rental unit and the effective date and is signed and dated by the Landlord.

Analysis

Section 55(1) provides that if a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, an order of possession must be granted to the landlord if, the notice to end tenancy complies in form and content and the tenant's application is dismissed or the landlord's notice is upheld. As the Tenant's application has been dismissed and as the Notice complies in form and content I find that the Landlord is entitled to an order of possession. As the Landlord has been successful with the application, that I note was made prior to the Tenant's application, I find that the Landlord is entitled to recovery of the \$100.00 filing fee and I order the Landlord to deduct this amount from the security deposit of \$337.50 in full satisfaction of that claim.

Conclusion

I grant an Order of Possession to the Landlord. The Tenant must be served with this **Order of Possession**. Should the Tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

I order that the Landlord retain \$100.00 from the security deposit of \$337.50 in full satisfaction of the claim.

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: January 12, 2017

Residential Tenancy Branch