Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   OPC, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for 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 sent by registered mail on January 11, 2017, a Canada post tracking number was provided as evidence of service, the tenant did not appear.

Section 90 of the Act determines that a document served in this manner is deemed to have been served five days later. I find that the tenant has been duly served in accordance with the Act.

Preliminary and procedural matter

At the outset of the hearing the landlord indicated that they discovered that the tenant vacated the rental unit on January 20, 2017. The landlord stated an order of possession is no longer required.

As the tenant did not attend the hearing to dispute the landlord's claim. I find the landlord is entitled to recover the filing fee from the tenant. I authorize the landlord to retain the amount of $100.00 from the tenant's security deposit to recover the cost of the filing fee from the tenant.

Conclusion

The tenant vacated the rental unit. The landlord no longer required an order of possession. The landlord is authorized to retain the amount of $100.00 from the tenant's security deposit to recover the filing fee 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: February 06, 2017

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Residential Tenancy Branch