



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding WIDSTEN PROPERTY MANAGEMENT INC.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC FF

Introduction and Analysis

This hearing dealt with an Application for Dispute Resolution (the “Application”) by the landlord under the *Residential Tenancy Act* (the “Act”) for an order of possession based on an undisputed 1 Month Notice to End Tenancy for Cause dated March 22, 2017 (the “1 Month Notice”) and to recover the cost of the filing fee.

An agent for the named landlord company (the “agent”) and the tenant attended the teleconference hearing. At the start of the hearing, the tenant affirmed that he vacated the rental unit on June 1, 2017, which is well beyond the effective date listed on the 1 Month Notice of April 30, 2017.

Given the above, I find that while the landlord’s Application is now moot, the tenant forced the landlord to apply for an order of possession by failing to vacate the rental unit by the effective date of April 30, 2017 and instead, remained in the rental unit until June 1, 2017.

As a result, I grant the landlord the recovery of the cost of the filing fee in the amount of **\$100.00** pursuant to section 72 of the *Act* based on the actions of the tenant by over-holding the rental unit until June 1, 2017. Pursuant to section 67 and 72 of the *Act* I **authorize** the landlord to retain \$100.00 from the tenant’s security deposit of \$212.50 which has accrued no interest in full satisfaction of the recovery of the cost of the filing fee. I find the tenant’s new security deposit balance is \$112.50 as a result which must be dealt with in accordance with section 38 of the *Act*.

Conclusion

The landlord’s Application for an order of possession is now moot as the tenant finally vacated the rental unit on June 1, 2017, which is well after the effective vacancy date of April 30, 2017.

The landlord has been authorized to retain \$100.00 from the tenant's security deposit of \$212.50 in full satisfaction of the recovery of the cost of the filing fee as described above. The tenant's new security deposit balance is \$112.50.

This decision is final and binding on the parties, except as otherwise provided under the Act, and 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 6, 2017

Residential Tenancy Branch