



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BAYSIDE PROPERTY SERVICES LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC FF

This hearing was convened as a result of the Landlord's Application for Dispute Resolution, dated May 1, 2017 (the "Application"). The Landlord applied for the following relief pursuant to the *Residential Tenancy Act* (the "Act"):

- an order of possession for cause; and
- an order granting recovery of the filing fee.

The Landlord was represented at the hearing by K.O., who provided a solemn affirmation. The Tenant did not attend the hearing.

On behalf of the Landlord, K.O. provided oral testimony confirming there is one Tenant who uses both names set out in the Application. Out of an abundance of caution, the Landlord served the Application package on the Tenant by registered mail on May 2, 2017, sending it to both names. In support, the Landlord submitted copies of the registered mail envelopes into evidence. Pursuant to sections 89 and 90 of the *Act*, documents served by registered mail are deemed to be received five days later. I find the Tenant is deemed to have received the Landlord's Application package on May 7, 2017.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

At the outset of the hearing, K.O. confirmed the tenancy began on May 1, 2002, at which time the Tenant paid a security deposit of \$285.00. Issues arose during the tenancy and the Landlord issued a One Month Notice to End Tenancy for Cause, dated March 29, 2017 (the "One Month Notice"), which was served on the Tenant, in person, on the same date. The Tenant vacated the rental unit on or about May 23, 2017, after the effective date of the One Month Notice. Accordingly, the Landlord brought the Application, seeking an order of possession and recovery of the filing fee. Although

K.O. confirmed an order of possession was no longer required, she indicated the Landlord wished to recover the \$100.00 filing fee paid to make the Application. I find the Tenant vacated the rental unit after the effective date indicated on the One Month Notice, necessitating the Application. The Landlord is entitled to recover the filing fee. I order that \$100.00 may be deducted from the security deposit held by the Landlord.

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: June 7, 2017

Residential Tenancy Branch