



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, OPB, O

Introduction

The Application for Dispute Resolution filed by the landlord makes the following claims:

- a. An Order for Possession on the basis of a fixed term tenancy agreement which provides that the tenant must vacate at the end of the fixed term.
- b. An order to recover the cost of the filing fee

A hearing was conducted by conference call in the presence of a representative of the applicant and in the absence of the respondent although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the Application for Dispute Resolution/Notice of Hearing was served on the tenant by mailing, by registered mail to where the respondent resides on July 11, 2017. The landlord testified it was received by the respondent on July 17, 2017. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the landlord is entitled to an Order for Possession?
- b. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

The tenancy began in July 1989. The rent was initially \$600 a month. The tenant paid a security deposit of \$300 at the start of the tenancy.

The parties entered into a fixed term tenancy agreement in writing that provide that the tenancy would start on July 1, 2016, end on June 30, 2017 and the tenant would have to vacate at that time. The tenancy agreement provided that the rent was \$1105 per month. The security deposit was \$387.84 which included the interest on the deposit paid in 1989.

The landlord gave the tenant notice that she must vacate in accordance with the tenancy agreement. The tenant refused to leave initially. However, she vacated the rental unit on July 16, 2017.

Analysis - Order of Possession:

I dismissed the landlord's application for an Order of Possession as the tenant has vacated the rental unit and the landlord has regained possession.

Cost of Filing fee:

I determined the landlord is entitled to recover the cost of the filing fee of \$100. The landlord acted within her rights to end the tenancy. The tenant failed to move on the end of tenancy date. As a result I ordered that the landlord pay to the Tenant the sum \$100 for the cost of the filing fee.

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial Court and enforced as an Order of that Court.

The landlord testified he amended his Application for Dispute Resolution to include a claim for loss of rent. While the landlord filed a monetary order worksheet he failed to include an Amendment to Application for Dispute Resolution with the materials. I search on line and was not able to find an Amendment. I determine the landlord failed to file an Amendment to the Application for Dispute Resolution in the proper form and that I could not consider his claim for loss of rent. The landlord has the right to file a separate application making this claim.

This decision is final and binding on both parties.

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 29, 2017

Residential Tenancy Branch