



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPM, FFL

Introduction

The landlord sought an order of possession under section 55(2)(d) of the *Residential Tenancy Act* (the “Act”), and, recovery of the filing fee under section 72 (1) of the Act.

The landlord applied for dispute resolution on May 1, 2019 and a dispute resolution hearing was held on June 10, 2019. The landlord attended the hearing and was given a full opportunity to be heard, to present testimony, to make submissions, and to call witnesses. The tenant did not attend.

The landlord testified that he served the Notice of Dispute Resolution Proceeding on the tenant shortly after the landlord applied for dispute resolution. Based on the testimony of the landlord I find that the tenant was properly served under the Act.

I reviewed evidence submitted that met the *Rules of Procedure* and to which I was referred but only considered evidence relevant to the preliminary issue, below.

Preliminary Issue: Tenant Has Vacated the Rental Unit

The landlord testified that the tenant vacated the rental unit on June 4, 2019, and as such the landlord no longer requires an order of possession.

Briefly, the parties signed a Mutual Agreement to End a Tenancy on April 4, 2019 for a tenancy that was to end on April 30, 2019. The tenant failed to move out on April 30, which resulted in the landlord seeking an order of possession under the Act.

While the landlord no longer seeks an order of possession, he nevertheless incurred costs in pursuing this matter. As such, he is entitled to recovery of the filing fee in the amount of \$100.00.

Pursuant to section 72(1) of the Act, I order that the landlord may retain \$100.00 of the tenant's security deposit (which the landlord believes is \$800.00) in full satisfaction of this award.

As I explained to the landlord during the hearing, he is at liberty to apply for dispute resolution seeking compensation against the tenant for unpaid rent and for any damages caused to the rental unit.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under section 9.1(1) of the Act.

Dated: June 10, 2019

Residential Tenancy Branch