



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      **FFL OPL**

### Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- Authorization to recover the filing fees from the tenant pursuant to section 72; and
- An Order of Possession for Landlord's Use of Property pursuant to sections 49 and 55.

The landlord attended the hearing and the tenant attended the hearing, accompanied by his daughter/agent NN and a friend DW. The tenant's agent acknowledged being served with the landlord's Notice of Dispute Resolution Proceedings package and evidence and advised she had no issues with timely service of documents. I am satisfied the documents were served in accordance with sections 89 and 90 of the *Act*.

### Preliminary Issue

The parties agree that the tenant moved out of the rental unit in late December 2019, prior to the effective date of the Two Month Notice to End Tenancy for Landlord's Use of December 31, 2019. The order of possession is no longer sought or required.

Pursuant to section 62(4), I dismiss this part of the landlord's application as it does not disclose a dispute that may be determined under Part 5 of the *Act*.

Although the parties discussed issues of possible damage to the rental unit, abandonment of the tenant's personal items at the end of the tenancy and agreements respecting retaining the tenant's security deposit, none of those issues were before me and no orders were made regarding them. I advised the parties that I had authority to make a decision regarding the filing fee paid for this application as the landlord had applied for it.

The parties agreed that the landlord may recover her filing fee by retaining \$100.00 from the security deposit she is currently holding.

Conclusion

The landlord's application for an Order of Possession is dismissed.

Pursuant to section 72 of the *Act*, the landlord may retain \$100.00 of the tenant's security deposit to recover the filing fee for the cost of this application.

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: January 13, 2020

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Residential Tenancy Branch