



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPE, FFL

Introduction

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

- an order of possession for end of employment pursuant to sections 48(2) and 55(2); and
- authorization to recover the filing fee for this Application from the tenant, pursuant to section 72(1).

The applicant landlord called into this teleconference at the date and time set for this hearing of this matter. The respondent did not.

The landlord provided documentary evidence to substantiate service to the tenant by registered mail of the application for an order of possession and application for the recovery of the filing fee. I find the landlord has met the service requirements pursuant to sections 89(1)(c) and 89(2)(b) of the Act. Pursuant to Rule of Procedure 7.3 I conducted the hearing in the absence of the respondent.

Issues to be Decided

Is the landlord entitled to an order of possession and recovery of the filing fee for this application?

Background and Evidence

At the outset of the hearing the landlord stated he did not anticipate participation in the hearing from the tenant because the tenant did not dispute the notice to end tenancy and vacated the rental unit in April 2020. The landlord has possession of the rental unit.

The landlord filed this application because the tenant had not vacated the rental unit by the effective date of the notice to end tenancy, February 29, 2020. The notice to end tenancy was submitted into evidence. It was signed January 14, 2020 and the landlord

submitted proof of service of the notice to the tenant by registered mail on January 15, 2020. The application for dispute resolution was submitted on March 26, 2020.

Analysis

As the landlord has possession of the rental unit, I exercise my authority under section 62(4)(b) of the Act to dismiss the landlord's application for an order of possession.

I find the landlord served a notice to end tenancy to the tenant pursuant to section 88(c) of the Act and the tenant is deemed to have received it on January 20, 2020. I find the notice is effective pursuant to section 52 of the Act because it is signed and dated by the landlord, gives the address of the rental unit, states the effective date of the notice, states the grounds for ending the tenancy and is in the approved form.

As the tenant had not vacated the rental unit by the date of the landlord's filing of this application, I grant the landlord's application to recover the cost of filing this application from the tenant.

Conclusion

To enable the landlord to recover his fee for filing an application for an order of possession, I issue a monetary order to the landlord for \$100.00.

The order must be served by the landlord to the tenant as soon as possible. Should the tenant fail to comply with the order, the landlord make seek enforcement through Provincial Court (small claims).

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: May 19, 2020

Residential Tenancy Branch