



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ET, FFL

### Introduction

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

- an early end to this tenancy and an Order of Possession pursuant to section 56; and
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

The tenant did not attend this hearing, although the teleconference hearing connection was left open until 9:40 a.m. in order to enable the tenant to call into this teleconference hearing scheduled for 9:30 a.m. The landlord attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses. During the hearing, the online teleconference system confirmed that the tenant had not called into this teleconference to participate in a hearing of this dispute.

The landlord served the tenant with a copy of the dispute resolution hearing package by sending it by registered mail on August 25, 2020. They entered into written evidence a Proof of Service document attesting to this mailing. In accordance with sections 89 and 90 of the *Act*, I find that the tenant was deemed to have been served with this package on August 30, 2020.

At the commencement of the hearing, the landlord said that the tenant had already moved out of the rental unit and there was no need to consider their application for an early end to this tenancy and the issuance of an Order of Possession. They did ask for the recovery of their \$100.00 filing fee from the tenant.

Issues(s) to be Decided

Is the landlord entitled to recover the filing fee for this application from the tenant?

Background and Evidence

The landlord testified that they continue to hold a \$285.00 security deposit for this tenancy. Since they said that they had to apply for an early end to this tenancy in order to obtain possession of this rental unit, they requested recovery of their filing fee for this application.

Analysis

Under these circumstances and as the tenant did not dispute the landlord's application, I allow the landlord's application to recover their \$100.00 filing fee for this tenancy.

Conclusion

I allow the landlord's application to recover their filing fee from the tenant. To implement this monetary award, I order the landlord to retain \$100.00 from the security deposit. The value of this security deposit is hereby reduced from \$285.00 to \$185.00.

The landlord's application for an early end to this tenancy is withdrawn as the tenant has already vacated 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 *Residential Tenancy Act*.

Dated: September 04, 2020

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Residential Tenancy Branch