



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 1204585 B.C. Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OFL FFL

Introduction

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

- An order of possession pursuant to section 55; and
- Authorization to recover the filing fee from the tenant pursuant to section 72.

Both parties attended the hearing and were given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses. The corporate landlord was represented by its agent and counsel.

As both parties were present service was confirmed. The parties each testified that they received the respective materials and based on their testimonies I find each party duly served in accordance with sections 88 and 89 of the *Act*.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to recover the filing fee from the tenant?

Background and Evidence

The landlord assumed this tenancy when they purchased the property in 2019. The parties agree that a security deposit of \$800.00 was paid by the tenant at the start of the tenancy.

The parties agree that the rental unit has become uninhabitable and this tenancy has ended. The tenant does not dispute the landlord's application seeking an order of possession.

The parties agree that some personal possessions of the tenant remain in the rental unit. The tenant seeks permission to remove these items when the rental unit is accessible. The landlord agreed to allow the tenant reasonable access to the remove items when they are informed the unit is safe to enter.

Analysis

I accept the undisputed submission of the parties that this tenancy has ended and the landlord is entitled to an Order of Possession. Therefore, pursuant to section 44(1)(f) of the Act, I find that the tenancy is ended and grant an Order of Possession in the landlord's favour effective 2 days after service.

As the landlord's application was successful, I allow the landlord to recover their filing fee from the tenant. In accordance with sections 38 and the offsetting provisions of 72 of the Act, I allow the landlord to retain \$100.00 of the tenant's security deposit in satisfaction of the monetary award issued in the landlord's favour.

Conclusion

I grant an Order of Possession to the landlord effective **2 days after service on the tenant**. Should the tenant or any occupant on the premises fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

I order that the security deposit for this tenancy is reduced by \$100.00 from \$800.00 to \$700.00.

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: February 8, 2021

Residential Tenancy Branch