



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL, FFL

Introduction and Preliminary Matters

On December 17, 2020, the Landlord applied for a Dispute Resolution proceeding seeking an Order of Possession based on a Two Month Notice to End Tenancy for Landlord's Use of Property (the "Notice") pursuant to Section 49 of the *Residential Tenancy Act* (the "Act") and seeking to recover the filing fee pursuant to Section 72 of the *Act*.

The Landlord attended the hearing; however, the Tenant did not attend at any point during the 17-minute teleconference call.

The Landlord advised that the Tenant had abandoned the rental unit and given up vacant possession of it on or around February 22, 2021.

As the Tenant has given up vacant possession of the rental unit and as the Tenant has not attended the hearing, it is not necessary to consider the issuance of an Order of Possession.

Furthermore, as the Tenant did not give up vacant possession of the rental unit on the effective date of the Notice, I am satisfied that the Landlord was successful in this claim. Therefore, I find that the Landlord is entitled to recover the \$100.00 filing fee paid for this Application. Under the offsetting provisions of Section 72 of the *Act*, I allow the Landlord to retain a portion of the security deposit in satisfaction of this debt.

Conclusion

As the Tenant has given up vacant possession of the rental unit already, I dismiss the Landlord's Application without leave to reapply.

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: March 15, 2021

Residential Tenancy Branch