Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

DECISION AND REASONS

Dispute Codes: *OPC, FF.*

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for orders as follows:

- An order of possession for cause pursuant to Section 55;

- An order to recover the cost of filing the Application for Arbitration pursuant to Section 72.

The notice of hearing dated December 09, 2008 was served to the tenant on December 10, 2008, by registered mail. Despite having been served the notice of hearing, the tenant did not show up for the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions. On the basis of the solemnly affirmed evidence presented at the hearing, a decision has been reached.

Issues to be decided

- Is the landlord entitled to an order of possession?
- Is the landlord entitled to a monetary order to recover the filing fee?

Background and Evidence

The landlord testified that the tenancy started on June 29, 2008. The monthly rent was $650.00 due in advance on the first day of the month. The tenant paid a security deposit on June 29, 2008 in the amount of $325.00. On November 23, 2008 the landlord served the tenant with a 30 day notice to end tenancy for causing noise disturbances. The effective date of the notice was December 31, 2008. The tenant moved out as per the effective date of the notice, hence the landlord withdrew his application for an order of possession.

Analysis

Based on the undisputed sworn testimony of the landlord, I find that the landlord is entitled to the recovery of his filing fee and I order that the landlord retain $50.00 from the security deposit.

<u>Conclusion</u>
The landlord's application for an order of possession is withdrawn by the landlord and the landlord may retain $50.00 from the security deposit.

Dated January 07, 2009.

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Dispute Resolution Officer