



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC FF

Introduction

This hearing was convened as a result of the landlord's application for dispute resolution under the *Residential Tenancy Act* (the "Act") for an order of possession based on an undisputed 1 Month Notice to End Tenancy for Cause (the "1 Month Notice") dated November 17, 2015, and to recover the cost of the filing fee.

The landlord and the spouse of the landlord attended the teleconference hearing. The participants were affirmed and an opportunity to ask questions about the hearing process was provided to the parties.

As the tenant did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the "Notice of Hearing"), the Application for Dispute Resolution (the "Application") and documentary evidence were considered. The landlord provided affirmed testimony that the Notice of Hearing, Application and documentary evidence were served on the tenant via personal service on December 12, 2015. Based on the undisputed testimony of the landlord, I accept that the tenant was served via personal service on December 12, 2015.

Preliminary and Procedural Matter

At the outset of the hearing, the landlord testified that he no longer required an order of possession as the tenant vacated the rental unit as of January 6, 2016. The landlord stated that he was still seeking the recovery of the cost of the filing fee as the tenant did not vacate the rental unit by the effective date of the 1 Month Notice, which was December 31, 2015.

Issue to be Decided

- Is the landlord entitled to the recovery of the cost of the filing fee under the *Act*?

Background and Evidence

The tenant failed to attend the teleconference hearing although being found to be personally served by the landlord on December 12, 2015. The landlord testified that the tenant has not provided a written forwarding address.

Analysis

Based on the landlord's undisputed testimony provided during the hearing, the unopposed application by the landlord, and on the balance of probabilities, I find that the landlord is entitled to the recovery of the cost of the filing fee in the amount of **\$50.00** pursuant to section 72 of the *Act*.

I authorize the landlord to deduct \$50.00 from the tenant's security deposit of \$187.50 in full satisfaction of the recovery of the cost of the filing fee under the *Act*. I find that the tenant's security deposit balance is now \$137.50, which the landlord continues to hold.

Conclusion

The landlord is granted the recovery of the cost of the filing fee as described above. The tenant's security deposit balance is now \$137.50, which the landlord continues to hold.

This decision is final and binding on the parties, unless otherwise provided under the *Act*, and 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: January 29, 2016

Residential Tenancy Branch

