



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Red Door Housing Society  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPM, FF

### Introduction

This hearing dealt with an application by the landlord for an order of possession and the recovery of the filing fee. The landlord participated in the conference call hearing but the tenant(s) did not. The landlord presented evidence that the tenants were served with the application for dispute resolution and notice of hearing by registered mail on December 12, 2015. I found that the tenants had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence. The landlord gave affirmed evidence.

### Issues to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to the recovery of the filing fee?

### Background and Evidence

The landlord gave the following testimony:

The tenancy began on or about December 1, 2014. Rent in the amount of \$878.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$439.00. The landlord stated that the tenant no longer qualified for subsidized housing and was issued a Two Month Notice to End Tenancy in August 2015. The landlord stated that the tenant filed to dispute the notice and a hearing was held before another arbitrator, file # 840422 on October 29, 2015. The arbitrator upheld the notice; however the

landlord neglected to orally request an order of possession. The landlord now requests the order of possession.

### Analysis

The landlord submitted extensive documentation for this hearing. I have reviewed and considered the documentation before me. Based on the above facts I find that the landlord is entitled to an order of possession. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

The landlord is also entitled to recovery of the \$50.00 filing fee. I order that the landlord retain \$50.00 from the security deposit in full satisfaction of the claim.

### Conclusion

The landlord is granted an order of possession and to retain \$50.00 from the security deposit.

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 02, 2016

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Residential Tenancy Branch

