

DECISION

Dispute Codes ET

Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord to obtain an Order of Possession to end the tenancy.

Service of the hearing documents, by the Landlord to the Tenant, was done in accordance with section 89 of the *Act*, served personally to the Tenant by the Landlord and in the presence of an outreach worker, at the rental unit on June 22, 2009

Both the Landlord and Tenant appeared, acknowledged receipt of evidence submitted by the other, gave affirmed testimony, were provided the opportunity to present their evidence orally, in writing, in documentary form, and to cross exam each other.

All of the testimony and documentary evidence was carefully considered.

Issues(s) to be Decided

Is the Landlord entitled to an Order of Possession to end the tenancy early pursuant to section 56 of the *Residential Tenancy Act*?

Background and Evidence

The month to month tenancy began on August 1, 2008 with rent of \$375.00 payable on the first of each month. The Tenant paid a security deposit of \$212.50 on approximately August 1, 2008.

The Landlord is a not for profit organization that is funded by BC Housing to provide low income rental units. The Landlord does not provide counselling, treatment, or rehabilitation services to their tenants. The Landlord provides security and guidance to

tenants to assist the tenants in accessing services provided by other agencies and works with the tenants in maintaining their tenancies.

The Landlord has applied to end the Tenant's tenancy early, as the Tenant was involved in an altercation on June 16, 2009 whereby the Tenant attempted to assault one of the night staff and the Tenant was subsequently arrested as a result of his actions.

The Tenant confirmed the incident in his testimony and agreed to end the tenancy early and vacate the rental unit by June 30, 2009 at 1:00 p.m.

Analysis

Based on the testimony and evidence before me, I find that the Landlord and Tenant have mutually agreed to end the tenancy effective June 30, 2009 at 1:00 p.m.

The hereby Order the Landlord to administer the Tenants' security deposit in accordance with Section 38 of the *Residential Tenancy Act*.

Conclusion

I HEREBY FIND that the Landlord is entitled to an Order of Possession effective **June 30, 2009 at 1:00 p.m.** This order must be served on the Respondent Tenant and may be filed in the Supreme Court and enforced as an order of that Court.

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: June 29, 2009.

Dispute Resolution Officer