

Decision

Dispute Codes: ET / OPC, FF

Introduction

This hearing dealt with an application from the landlord(s) to end tenancy early and to obtain an order of possession, in addition to recover the filing fee. Both parties were represented in the hearing and gave affirmed testimony.

Issues to be decided

- Whether the landlord(s) are entitled to either or both of the above under the Act

Background and Evidence

There is no written residential tenancy agreement in place for this month-to-month tenancy which began on July 1, 2009. Rent in the amount of \$600.00 is payable in advance on the first day of each month, and a security deposit of \$300.00 was collected on July 1, 2009.

In relation to a drug warrant recently executed at the unit, the landlord(s) made application for an early end to tenancy and an order of possession. Specifically, when police attended the unit they found it to be heavily fortified. Following entry into the unit, police made arrests and proceeded to seize weapons, drugs and cash.

During the hearing the tenant did not dispute the application from the landlord(s). By way of discussion between them during the hearing, the parties agreed that an order of possession will be issued in favour of the landlord(s) to be effective not later than two (2) days after service upon the tenants.

However, it was further agreed that the landlord(s) will not serve the order of possession until two (2) days before the end of December 2009, on the condition that the landlords are satisfied that the conduct and behavior of the tenants or persons permitted on the property by the tenants, is not problematic in any way. Effectively, in the event of no

further concern about this tenancy on the part of the landlord(s), the tenants may be permitted to remain in the unit until not later than 1:00 p.m., December 31, 2009.

Analysis

Section 63 of the Act provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, discussion between the parties during the hearing led to a resolution. Specifically, it was agreed as follows:

- that an order of possession will be issued in favour of the landlord(s);
- that the order of possession will be effective not later than two (2) days after service upon the tenants;
- that in the absence of any further concerns about the tenancy on the part of the landlord(s), the tenants will nevertheless vacate the unit not later than 1:00 p.m., December 31, 2009;
- that in the event there are no further concerns about the tenancy on the part of the landlord(s), the landlord(s) will serve the order of possession on the tenants two (2) days before the end of December 2009;
- that should the landlord(s) have concerns about the tenancy before the end of December 2009, the landlord(s) will immediately serve the tenants with the order of possession.

As the landlord(s) have been successful in their application to end tenancy early and to obtain an order of possession, I find that the landlord(s) are entitled to recover the \$50.00 filing fee. This amount may be withheld from the security deposit at the end of this tenancy.

Conclusion

Pursuant to all of the above, I hereby issue an **order of possession** in favour of the landlord(s) effective not later than **two (2) days** after service upon the tenants. This order must be served on the tenants. Should the tenants 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.

I hereby order that the landlord(s) may withhold **\$50.00** from the security deposit at the end of tenancy in consideration of their application to recover the filing fee.

DATE: December 10, 2009

Dispute Resolution Officer