

## **DECISION**

Dispute Codes      FF, O, OPB

### Introduction

Some documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The respondent was served with notice of the hearing by Hand, on May 12, 2010, but did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

### Issues(s) to be Decided

This is a request for an Order of Possession based on a Mutual Agreement to end the tenancy, and a request that the respondent bear the \$50.00 cost of the filing fee paid for the application for dispute resolution.

### Background and Evidence

The applicant testified that:

- on April 30, 2010 landlord and tenant signed a mutual agreement to end the tenancy at 12 noon on June 15, 2010.(Copy supplied)
- The tenant paid rent up to June 15, 2010 however the tenant failed to vacate on that date.
- The tenant is still in the rental unit and its well past the end of tenancy date.

The applicant is therefore requesting an Order of Possession for as soon as possible and an order that the respondent bear the \$50 cost of the filing fee.

### Analysis

I have reviewed all the evidence and find that the tenant did agree to vacate the rental unit on the 15th of June 2010, and therefore since he has not the landlord does have the right to an Order of Possession. I therefore allow the landlords request.

I also allow the landlords claim for the filing fee that he paid for the application for dispute resolution.

### Conclusion

I have issued an Order of Possession that is enforceable two days after service on the respondent and I further ordered that the respondent pay \$50.00 to the applicants.

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 28, 2010.

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Dispute Resolution Officer