



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes: OPR, FF

This application was brought by the landlord seeking an Order of Possession based on the Mutual Agreement to End a Tenancy signed by the tenant on June 24, 2010 to vacate the unit on July 31, 2010 and the filing fee for this proceeding.

The landlord applicant appeared. Although served with the Application for Dispute Resolution and Notice of Hearing in person, on July 7, 2010, the tenant did not appear.

Issue(s) to be Decided

The landlord was seeking an Order of Possession and a monetary order for rental arrears. The issue to be determined based on the testimony and the evidence are:

- Whether or not the landlord is entitled to an Order of Possession effective July 31, 2010 based on the Agreement to End Tenancy signed on June 24, 2010?

Background and Evidence

The landlord submitted into evidence a copy of the Mutual Agreement to End Tenancy dated June 24, 2010 and a copy of a newspaper article relating to the tenants. The landlord testified that the tenancy began in Autumn of 2009 with rent of \$725.00 per month and a security deposit of \$362.50 without a written tenancy agreement.

The landlord testified that, although the tenant had signed the mutual agreement to vacate, the tenant has still remained in the unit and was also in arrears for rent owed. The landlord was seeking to end the tenancy and obtain an Order of Possession.

Analysis

Based on the evidence and the testimony of the landlord, I find that the tenant agreed in writing to vacate the unit and turn over possession to the landlord as of July 31, 2010. I find the tenant's notice valid and enforceable pursuant to section 44(1)(c) of the Act.

Based on the above facts I find that the landlord is entitled to an Order of Possession under the Act.

Conclusion

I hereby issue an Order of Possession in favour of the landlord effective two days after the order is served on the tenant. This order must be served on the Respondent and may be filed in the Supreme Court and enforced as an order of that Court.

I find that the landlord is entitled to be reimbursed the \$50.00 fee paid for filing this application and I hereby order that the landlord retain this amount from the tenant's security deposit under section 72.

August 2010

Date of Decision

Dispute Resolution Officer