



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      ET, FF

### Introduction

This hearing dealt with the Landlord's Application for Dispute Resolution, seeking to end the tenancy early and obtain an order of possession, and to recover the filing fee for the Application.

Both parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

### Issues(s) to be Decided

Is the Landlord entitled to end the tenancy early and obtain an order of possession?

### Background and Evidence

The Agents for the Landlord testified that the Tenant has cut a hole in the wall to create a second access to the bathroom in the rental unit, has failed to maintain the yard, and has failed to pay rent for two months.

The Tenant denies cutting the hole in the wall and alleges there is mold in the rental unit. He admits to withholding rent.

I note the Tenant has filed his own Application for Dispute Resolution, however, during this hearing he did not know the Application file number.

After a search of the applications scheduled for hearing, it appears that an Application has been filed by the Tenant and is scheduled for hearing on August 30, 2010.

Nevertheless, the Tenant testified he vacated the rental unit several weeks ago.

The Agents for the Landlord claim they received no Notice to End Tenancy from the Tenant and assert he is still occupying the rental unit. They also had no knowledge of the upcoming scheduled hearing.

### Analysis

Based on the foregoing, the testimony and evidence, and on a balance of probabilities, I find that the Landlord is entitled to end the tenancy early and obtain an order of possession.

The Tenant agreed that he has vacated the rental unit prior to the hearing and had no dispute with an order of possession being issued to the Landlord.

Therefore, I grant and issue the Landlord an order of possession **effective at 1:00 p.m. August 11, 2010.**

The Landlord may retain **\$50.00** from the security deposit to recover the filing fee for the Application.

The Landlord has leave to make a further Application for monetary orders and any other relief available under the Act.

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: August 09, 2010.

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Dispute Resolution Officer