

## **Decision**

**Dispute Codes:** OPR, MNR, MNDC, FF

### **Background and Evidence**

This hearing dealt with an application by the landlord for an order of possession, a monetary order as compensation for unpaid rent, compensation for damage or loss under the Act, regulation or tenancy agreement, and recovery of the filing fee. The landlord's agent participated in the hearing and gave affirmed testimony. Despite being served by way of registered mail with the application for dispute resolution and notice of hearing (the "hearing package"), the tenant did not appear.

There is no written tenancy agreement in evidence for the tenancy which was approximately one year in length, and ended November 1, 2010. By the end of tenancy, monthly rent of \$412.00 was payable in advance on the first day of each month. A security deposit of \$200.00 was collected at the outset of tenancy.

Arising from rent which was unpaid when due for October 2010, the landlord issued a 10 day notice to end tenancy for unpaid rent dated October 1, 2010. Subsequently, the tenant made no further payment toward rent and the parties signed a "mutual agreement to end a tenancy" effective November 1, 2010. The landlord's agent testified that by way of mutual agreement, the landlord retained \$50.00 from the tenant's security deposit in order to recover the filing fee, and returned the balance of \$150.00 to the tenant ( $\$200.00 - \$50.00 = \$150.00$ ). Following from all of the above, the landlord withdrew the application.

### **Conclusion**

The landlord's application is hereby dismissed.

DATE: November 8, 2010

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Dispute Resolution Officer