



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes: OPR, MNR, FF

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession and a monetary order for unpaid rent and the filing fee.

The notice of hearing was served on the tenant on September 28, 2010 in person by the landlord. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

On August 09, 2010, the parties entered into a mutual agreement to end tenancy effective August 31, 2010. As of the November 01, 2010, the tenant was still in possession of the rental unit.

Issues to be decided

Is the landlord entitled to an order of possession? Is the landlord entitled to a monetary order to recover unpaid rent and the filing fee?

Background and Evidence

The landlord testified that the tenancy started on May 15, 2010. The monthly rent is \$750.00 due in advance on the first of each month. The tenant failed to pay rent for August and on August 09, 2010, agreed in writing to move out of the rental unit. The landlord stated that the tenant still owes rent for August and continues to occupy the rental unit. At the time of this hearing, the tenant owed the landlord rent for September, October and November in addition to August.

The landlord has applied for an order of possession effective two days after serving it on the tenant and for a monetary order in the amount of \$3,050.00 which consists of rent for four months plus the filing fee of \$50.00.

Analysis

Based on the undisputed sworn testimony of the landlord, I accept the landlord's evidence in respect of the claim. The tenant entered into a mutual agreement with the landlord to end tenancy on August 31, 2010. However, he continues to occupy the unit. Pursuant to section 55 (20)(d), I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

I find that the landlord has established a claim of \$3,000.00 for unpaid rent. Since the landlord has proven his case, I find that he is also entitled to the recovery of the filing fee. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the amount of \$3,050.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord an order of possession effective **two days** after service on the tenant and a monetary order in the amount of **\$3,050.00**.

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: November 01, 2010.

Dispute Resolution Officer