



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPB, MNSD, FF, O

Introduction

This was an application by the landlord for an order for possession and a monetary order. The hearing was conducted by conference call. The landlord attended, but the tenant did not call in and did not participate although he was personally served with the application for dispute resolution and Notice of Hearing on October 8, 2010.

Issues(s) to be Decided

Is the landlord entitled to an order for possession?

Is the landlord entitled to a monetary order and if so in what amount?

Background and Evidence

The rental unit is a ground floor suite in the landlord's house. She resides in the upper portion of the house. The tenancy began on or about September 20, 2010. Monthly rent was \$750.00 and the tenant paid a security deposit of \$375.00 at the commencement of the tenancy. The tenant paid \$200.00 as pro-rated rent for September. The landlord and the tenant signed a mutual agreement to end tenancy whereby the tenant agreed to move out of the rental unit on October 1, 2010. The tenant did not move out and has not paid any rent for the month of October. The landlord testified that as of the date of the hearing the tenant had partially moved, but there was still a significant quantity of the tenant's belongings at the rental unit. She requested an order for possession and a monetary order for rent for the month of October.

Analysis and Conclusion

The tenant signed a mutual agreement to end tenancy in the form provided by the Residential Tenancy Office. He did not move out on October 1, 2010 as he agreed to do and I find that the landlord is entitled to an order for possession effective two days after service on the tenant. This order may be registered in the Supreme Court and enforced as an order of that court.

The tenant has occupied the rental unit for the month of October without paying rent. I find that the landlord is entitled to an award in the amount of one months' rent. She is entitled to recover the \$50.00 filing fee paid for this application for a total award of \$800.00. I order that the landlord retain the deposit of \$375.00 in partial satisfaction of the award and I grant the landlord an order under section 67 for the balance of \$425.00. This order may be registered in the Small Claims Court and enforced as an order of that court.

Dated: November 05, 2010.
