



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR

### Introduction

This conference call hearing was convened in response to the landlord's application for an Order of Possession based on a Termination Agreement signed by the landlord and the tenant on August 3<sup>rd</sup>, 2011.

The landlord participated in the hearing and provided affirmed testimony. She testified that she served the Notice of a Dispute Resolution Hearing to the tenant by way of registered mail sent on August 5<sup>th</sup>, 2011, and provided a Canada Post tracking number. The tenant did not participate and the hearing proceeded in the tenant's absence.

### Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

### Background and Evidence

The landlord testified that the tenancy started in June 2011 and terminated on a signed mutual agreement effective August 31<sup>st</sup>, 2011 because the tenant was relocating in the Okanagan. She stated that her belongings are packed, however she has not vacated the unit and therefore, in the abundance of caution requests an Order of Possession.

In her documentary evidence, the landlord provided a copy of the agreement signed by the tenant that the tenancy ended on August 31<sup>st</sup>, 2011.

### Analysis

I accept the landlord's undisputed testimony that she served the tenant with the Notice of Dispute Resolution in a proper manner pursuant to section 89 of the *Residential Tenancy Act*. I find that the tenant knew, or ought to have had knowledge of the date scheduled for this hearing.

Based on the evidence I accept that the tenancy ended in a manner that complies with the Act. The tenant has not completely vacated and therefore I find that the landlord is entitled to an Order of Possession as requested.

### Conclusion

I grant the landlord an Order of Possession effective two days from the date the order is served upon the tenant. This Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

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: September 02, 2011.

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Residential Tenancy Branch