



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNDC, FF, ERP, OLC

Introduction

This hearing dealt with cross applications. The landlord is seeking an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. The tenant is seeking an order for emergency repairs, compensation for a loss or damage suffered under the Act and an order for the landlord to comply with the Act. The landlord participated in the conference call hearing but the tenant(s) did not. The landlord presented evidence that the tenants were served with the application for dispute resolution and notice of hearing by registered mail on February 20, 2012. I found that the tenants had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence. The landlord and her agent gave affirmed testimony.

Issues to be Decided

Is either party entitled to any of the above under the Act, the regulations or the tenancy agreement?

Background and Evidence

The tenancy began on or about January 23, 2012. Rent in the amount of \$2100.00 is payable in advance on the first day of each month. At the outset of the hearing the landlord advised that the tenant and landlord had come to an agreement. Both parties signed a mutual end of tenancy agreement that is to take effect on March 31, 2012. The landlord provided documentation to support this. The landlord is abandoning the rest of their application due to this agreement.

Analysis

I accept the landlord's undisputed testimony. Based on the above facts I find that the landlord is entitled to an order of possession. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

As the landlord has applied for the order of possession as a preventive measure, I decline to award the recovery of the filing fee. In regards to the other items that the landlord has applied for; as she has abandoned that portion of her application I dismiss them in their entirety without leave to reapply.

The tenant chose not to participate in this hearing and has not provided any disputing evidence in regards to the mutual end of tenancy; accordingly I dismiss the tenant's application in its entirety without leave to reapply.

Conclusion

The landlord is granted an order of possession.

The tenant's application is dismissed in its entirety without leave to reapply.

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: March 06, 2012.

Residential Tenancy Branch