



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, OPB, MND, MNSD, FF, O

Introduction

This conference call hearing was convened in response to the landlord's application for an Order of Possession for Cause and for Breach of an agreement with the landlord; a Monetary Order for damage to the unit; to keep the security deposit; and to recover the filing fee associated with this application.

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 May 2, 2012, and provided a Canada Post tracking number. The tenant did not participate and the hearing proceeded in the tenant's absence.

At the outset the landlord confirmed that subsequent to serving the tenants with this application for a dispute resolution hearing, the parties entered into a written agreement and on May 11, 2012 signed a Mutual Agreement to End Tenancy effective June 30, 2012. By virtue of this agreement, the landlord withdrew her application for dispute resolution concerning all matters with the exception of an order of possession effective the date the tenancy ends. In her documentary evidence, the landlord provided a copy of the signed mutual agreement to end the tenancy.

Conclusion

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

I grant the landlord an Order of Possession effective no later than June 30, 2012. This Order must be served upon the tenants.

If necessary, 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: May 24, 2012.

Residential Tenancy Branch