



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MND, MNDC, MNR, O

Introduction

Some documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The applicant(s) testified that the respondent was served with notice of the hearing by registered mail that was mailed on April 25, 2012; however the respondent(s) did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for an Order of Possession based on a mutual agreement to end tenancy and a request for a monetary order for \$751.75. Applicant is also requesting recovery of the \$50.00 filing fee.

Background and Evidence

The applicant testified that:

- The tenants signed a mutual agreement to end the tenancy on April 30, 2012 (copy attached) however the tenant has failed to vacate the rental unit.
- The tenant also has outstanding utility bills totaling \$201.75.
- The tenant also broke a window and has failed to repair it and the estimated cost to repair that window is \$150.00.

The applicant is therefore requesting an Order of Possession for May 31, 2012, and a monetary order as follows:

utilities outstanding	\$201.75
Window repair	\$150.00

Filing fee	\$50.00
Total	\$401.75

She is withdrawing a request for rent for the month of May 2012, as the tenant has already paid that and she has accepted it for use and occupancy only.

Analysis

It is my finding that the landlord has shown that the tenants signed a mutual agreement to end tenancy and has failed to comply with that agreement and therefore I allow the request for an Order of Possession.

The landlord has also shown that there outstanding utilities and I therefore allow the request for the \$201.75 in outstanding utilities.

I also allow the landlords request for \$150.00 to repair window broken by the tenant.

I also order recovery of the \$50.00 filing fee.

Conclusion

I have issued an Order of Possession to the landlord for 1 p.m. on May 31, 2012 and have issued a monetary order in the amount of \$401.75.

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 15, 2012.

Residential Tenancy Branch