



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OP, FF

Introduction

This hearing was scheduled in response to the landlord's application for an order of possession / and recovery of the filing fee. The landlord's agent participated in the hearing and gave affirmed testimony. Despite service of the application for dispute resolution and notice of hearing (the "hearing package") by way of registered mail, the tenants did not appear. Evidence submitted by the landlord's agent includes the Canada Post tracking number for the registered mail.

The landlord's agent also testified that the tenants were personally served with a copy of the hearing package on July 24, 2012.

Issue(s) to be Decided

Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement.

Background and Evidence

Pursuant to a written tenancy agreement, the term of tenancy is from July 1, 2012 to June 30, 2013. Monthly rent of \$1,075.00 is due and payable in advance on the first day of each month, and a security deposit of \$540.00 was collected.

On July 18, 2012, the parties signed a "Mutual Agreement to End a Tenancy" form (# RTB – 8). The time / date shown on the form by when tenancy ends and the tenants must vacate the unit is 1:00 p.m., Friday, August 31, 2012. Pursuant to this agreement, the landlord's agent has applied for an order of possession.

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca

Section 55 of the Act addresses **Order of possession for the landlord**, and provides in part as follows:

55(2) A landlord may request an order of possession of a rental unit in any of the following circumstances by making an application for dispute resolution:

(d) the landlord and tenant have agreed in writing that the tenancy is ended.

(3) The director may grant an order of possession before or after the date when a tenant is required to vacate a rental unit, and the order takes effect on the date specified in the order.

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord's agent, I find that the landlord has established entitlement to an order of possession.

I order that the landlord may recover the filing fee by way of withholding \$50.00 from the tenants' security deposit at the end of tenancy.

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **1:00 p.m., Friday, August 31, 2012**. This order must be served on the tenants. Should the tenants 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.

I hereby order that the landlord may withhold **\$50.00** from the security deposit in order to recover the filing fee for this application.

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: August 20, 2012.

Residential Tenancy Branch