



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

ET, FF

Introduction

This hearing dealt with an application by the landlord pursuant to section 56 of the *Residential Tenancy Act*, for an order to end the tenancy early and obtain an order of possession. The landlord also applied for the filing fee.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be decided

Does the landlord have cause to end the tenancy early?

Background and Evidence

The tenant rented the basement suite of the landlord's home on April 01, 2012. The monthly rent is \$700.00 and payable on the first of each month. Prior to moving in, the tenant paid a security deposit of \$350.00.

The landlord alleged that the tenant has threatened him a couple of times and on August 08, the tenant pushed the landlord. The landlord called for police assistance and the tenant and his roommate were arrested and incarcerated for two days. The tenant testified that the assault never happened but agreed that he was incarcerated and released on bail. A condition of his bail is that he has no contact with the landlord. A trial date has been set.

During the hearing, the tenant stated that he intended to move out and has already started moving his possessions out of the rental unit.

Analysis

During this hearing, the tenant agreed to move out and therefore, pursuant to section 55(2), I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

I find that the landlord is entitled to the recovery of the filing fee and I allow the landlord to retain \$50.00 from the security deposit.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant. The landlord may retain \$50.00 from the security deposit.

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 22, 2012.

Residential Tenancy Branch