



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OPR, MNR, FF

Introduction

This hearing was convened in response to applications by the landlord and the tenant.

The landlord's application is seeking orders as follows:

1. For an order of possession;
2. For a monetary order for unpaid rent; and
3. To recover the cost of filing the application.

The tenant's application is seeking orders as follows:

1. To cancel the notice to end tenancy.

Both parties appeared, gave testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions at the hearing.

Before the hearing was concluded the tenant exited the conference call, a telephone call was placed to the tenant and a message was left for her to call back into the conference call, however, no call was received prior to the closing of the hearing.

Preliminary issues

At the outset of the hearing the landlord stated he is withdrawing his claim for unpaid rent and damages to the unit, however, seeks an order of possession.

At the outset of the hearing the tenant stated she is no longer requesting to cancel the notice to end tenancy as she has found new accommodation. The tenant stated due to the landlord returning her rent cheque to the ministry through the mail, she is having to wait for a new cheque to be issued and it is possible for her to be out of the rental unit within the next day or two.

As a result I find that the landlord is entitled to an order of possession effective **two days** after service on the tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

Further, the landlord stated that if the rental unit is left in a satisfactory condition by the tenant he would return to the tenant her portion of the security in the amount of \$187.50. The landlord stated the portion of the security deposit paid by the other tenant has been dealt with and any dispute is between the two tenants.

Conclusion

The landlord is granted an order of possession.

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: February 05, 2013

Residential Tenancy Branch

