



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, MNR, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an order of possession, for a monetary for unpaid rent and the filing fee for the claim.

Although served with the Application for Dispute Resolution and Notice of Hearing in person on February 25, 2013, which was witnessed, the tenant did not appear. I find that the tenant has been duly served in accordance with the Act.

Preliminary Issue

At the outset of the hearing, the landlord requested to amend the application for dispute resolution to include an end to tenancy early.

In this case, the tenant did not attend the hearing and if the amendment was granted at today's hearing, it would result in unfairness to the tenant. As a result the request to amend the application was denied. The landlord is at liberty to apply for an early end of tenancy if required.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order for unpaid rent?

Background and Evidence

The tenancy began on January, 1, 2013. Rent in the amount of \$1,050.00 was payable on a bi-weekly basis. A security deposit of \$525.00 was paid by the tenant.

The landlord testified that the tenant was served with a 1 month notice for cause issued on February 8, 2013, with a vacancy date of March 31, 2013. The landlord stated the tenant accepted the notice and the parties then entered into a mutual agreement to end the tenancy for the same vacancy date. The landlord stated he is unsure if the tenant will leave and seeks an order of possession effective on March 31, 2013. Filed in

evidence is a copy of the 1 month notice to end tenancy, and a copy of the mutual agreement to end tenancy.

The landlord testified the tenant also owes unpaid rent for March 2013, in the amount of \$691.75.

Analysis

Based on the above, the testimony, and evidence, and on a balance of probabilities, I find as follows:

In this case, the parties entered into a mutual agreement to end the tenancy with a vacate date of March 31, 2013, at 5:00 p.m. Under the Act the tenancy agreement between the parties will legally terminate and come to an end.

I find that the landlord is entitled to an order of possession effective **March 31, 2013, at 5:00 p.m.** A copy of this order must be served on the tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

The evidence of the landlord was the tenant owed \$691.75, in unpaid rent for March 2013.

I find that the landlord has established a total monetary claim of **\$741.75** comprised of unpaid rent for March 2013, and the \$50.00 fee paid by the landlord for this application.

Conclusion

The landlord is granted an order of possession.

The landlord is granted a monetary order in the above amount.

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: March 20, 2013

Residential Tenancy Branch

