



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **REVIEW HEARING DECISION**

### Dispute Codes:

OPR

### Introduction

This matter was the subject of a dispute resolution proceeding on May 13, 2013. The Landlord was represented at that hearing but the Tenant was not. At the conclusion of that hearing the Arbitrator granted the Landlord an Order of Possession. On May 16, 2013 the Tenant filed an Application for Review Consideration. On May 28, 2013 a different Arbitrator granted the application for review and ordered that a new hearing should be scheduled.

This review hearing was convened to consider the merits of the Landlord's Application for Dispute Resolution, in which the Landlord applied for an Order of Possession.

At the outset of the hearing on June 19, 2013 the Tenant stated that she has not been receiving mail at the rental unit and she had not yet received a copy of the Review Consideration Decision. As she had not yet received a copy of the Review Consideration Decision, she had not served the Landlord with Notice of the Review Hearing, a copy of the Application for Review Consideration, or any evidence. She stated that she was only aware of the time and date of this hearing because she had been in contact with the Residential Tenancy Branch, by telephone.

At the outset of the hearing on June 19, 2013 the male Agent for the Landlord stated that the Landlord was not served with notice of this hearing or with a copy of the Review Consideration Decision. As the Landlord had not yet received a copy of the Review Consideration Decision, the Landlord had not served the Tenant with another copy of the Application for Dispute Resolution or any evidence. The male Agent for the Landlord stated that the Landlord was only aware of the time and date of this hearing because the Landlord had been in contact with the Residential Tenancy Branch, by telephone.

The hearing on June 19, 2013 was adjourned to provide both parties with the opportunity to comply with the directions in Review Consideration Decision. The Tenant provided an alternate mailing address and I personally mailed a copy of Review Consideration Decision to both parties.



The hearing was reconvened on August 12, 2013 and was concluded on that date.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession, pursuant to section 55 of the *Residential Tenancy Act (Act)*?

Background and Evidence

Both parties were provided with the opportunity to testify regarding whether or not rent was outstanding and whether the Tenant had been served with a Ten Day Notice to End Tenancy for Unpaid Rent.

After extensive discussion the Landlord and the Tenant mutually agreed to resolve this dispute under the following terms:

- The parties mutually agree to end this tenancy on August 31, 2013
- The parties agree that an Order of Possession will be issued that requires the Tenant to vacate the rental unit by 1:00 p.m. on August 31, 2013.

Analysis

This dispute has been resolved by mutual consent.

Conclusion

On the basis of the mutual agreement the Landlord has been granted an Order of Possession that is effective **at 1:00 p.m. on August 31, 2013**. This Order may be served on the Tenant, filed with the Supreme Court of British Columbia and enforced as an Order of that Court. This Order replaces the Order of Possession granted following the initial hearing.

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 12, 2013

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Residential Tenancy Branch