



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CARNAVARON APARTMENTS
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPC, FF

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession, pursuant to a mutual end to tenancy agreement, entered into by the parties. The landlord also filed for the recovery of the filing fee.

The notice of hearing was served on the tenant by registered mail. The landlord filed a tracking slip into evidence. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions

Issues to be decided

Is the landlord entitled to an order of possession and to the recovery of the filing fee?

Background and Evidence

The landlord testified that pursuant to a notice to end tenancy for cause dated June 07, 2013, the parties agreed to end the tenancy and signed a termination agreement on June 12, 2013. Pursuant to this agreement the tenant agreed to move out on or before July 07, 2013.

The landlord made this application on June 19, 2013. At the time of the hearing the tenant had already moved out. However, the landlord stated that the tenant returned to the unit after July 07, but was unable to enter due to the locks having been changed. The landlord has requested an order of possession in case the tenant returns one more time.

Analysis

Based on the undisputed testimony and documentary evidence of the landlord, I find that the tenant agreed to move out on July 07, 2013. At the landlord's request I am issuing the landlord an order of possession even though the tenant has moved out.

Since the landlord applied for dispute resolution prior to the end date of the tenancy, the landlord must bear the cost of filing this application.

Conclusion

I grant the landlord an order of possession effective on or before 1:00 p.m. on July 07, 2013.

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: July 24, 2013

Residential Tenancy Branch

