



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding British Columbia Housing Management Commission  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPB, MNR

### Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order.

A representative of the landlord attended the teleconference hearing and gave affirmed evidence. The tenant did not attend. The landlord gave evidence that she served the tenant with the Notice of a Dispute Resolution Hearing and Landlord's Application for Dispute Resolution by registered mail on January 15, 2014. I find that the tenant was properly served.

### Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order?

### Background and Evidence

The landlord provided a copy of a Mutual Agreement to End a Tenancy (the "Agreement") which was apparently signed by the parties on December 19, 2013. The landlord gave evidence that she signed the Agreement. The landlord also gave evidence that she and a building manager witnessed the tenant sign the Agreement.

The Agreement specifies that the tenant will vacate the rental unit at 1 p.m. on December 31, 2013. The landlord's evidence is that the tenant has not yet vacated the rental unit.

The landlord gave evidence that the tenant was obligated to pay \$328.00 in rent monthly in advance on the first day of the month. The tenant did not pay a security deposit. The landlord's evidence is that the tenant paid \$328.00 for January 2014 but has not paid anything for February 2014. Accordingly, the landlord requests to amend

the Landlord's Application for Dispute Resolution to also include a claim for compensation for the tenant's occupancy for the month of February 2014.

### Analysis

I accept the landlord's undisputed evidence that the parties agreed the tenancy would end on December 31, 2013. Accordingly, I find the tenancy ended on December 31, 2013. I grant the landlord an order of possession which must be served on the tenant. Should the tenant fail to comply with the order, it may be filed for enforcement in the Supreme Court.

I find the tenant is an overholding tenant within the meaning of Section 57 since December 31, 2013. The landlord is therefore entitled to compensation for the tenant's occupation of the rental unit for January and February 2014. I find that the tenant's payment of \$328.00 is adequate compensation for January 2014. I set the landlord's compensation for February 2014 at \$328.00.

The landlord is also entitled to recover its RTB filing fee of \$50.00. The total amount due the landlord is \$378.00. I grant the landlord a monetary order for that amount. This order may be filed in the Small Claims Court and enforced as an order of that Court.

### Conclusion

I grant the landlord an order of possession and a monetary order for \$378.00.

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 27, 2014

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Residential Tenancy Branch

