



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPB & FF

Introduction

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the tenants on February 28, 2014.

The landlords are the parents of the female respondent. She and her husband are going through a matrimonial dispute. The Application for Dispute Resolution identified the female respondent only. With the consent of both parties I amended the Application for Dispute Resolution to include the male respondent.

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the landlord is entitled to an Order for Possession?
- b. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

The parties entered into a tenancy agreement that provided that the tenancy would start on May 1, 2012 and continue on a month to month basis. The rent is \$955 per month payable on the first day of each month.

The female respondent and the landlord have signed a mutual agreement to end the tenancy effective February 28, 2014. The male respondent testified that he has a ticket to move to Ontario leaving on April 1, 2014. The landlord stated she was content to have an Order for Possession effective April 1, 2014.

Analysis

Analysis - Order of Possession:

I determined the landlord was entitled to an Order for Possession. Accordingly, I granted the landlord an Order for Possession effective April 1, 2014. I dismissed the landlord's claim for the cost of the filing fee as this was not part of the agreement..

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

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 13, 2014

Residential Tenancy Branch

