



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MNDC, 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 applied for a monetary order for unpaid rent and the filing fee.

The notice of hearing was served on the tenant in person on April 24, 2014. 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.

At the start of the hearing, the landlord informed me that he wished to withdraw his claim for a monetary order as he had resolved this issue directly with the tenant, prior to the hearing. Therefore this hearing only dealt with the landlord's application for an order of possession.

Issues to be decided

Is the landlord entitled to an order of possession?

Background and Evidence

The landlord testified that the tenancy started approximately six years ago. The monthly rent is \$410.00 payable on the first of each month. On April 17, 2014, the parties agreed to end the tenancy and signed a termination agreement

According to the agreement the tenant agreed to move out immediately on the same date, the agreement was entered into. However, as of the date of this hearing, June 04, 2014, the tenant still occupied the landlord's property. The landlord has requested an order of possession effective two days after service on the tenant. .

Analysis

Based on the undisputed testimony and documentary evidence of the landlord, I find that the tenant had agreed to move out on April 17, 2014 and as of June 04, 2014 was still in occupation of the rental unit.

Therefore, I find that the landlord is entitled to an order of possession and pursuant to section 55(2); I am issuing a formal order of possession effective two days after service on the tenant. . The Order may be filed in the Supreme Court for enforcement.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant.

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: June 04, 2014

Residential Tenancy Branch

