



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes O, 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 sufficiently served on the Tenant on February 25, 2015. With respect to each of the applicant's claims I find as follows:

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 tenancy started on July 1, 2009. The present rent is \$425 per month payable on the last Wednesday of each month. The tenant paid a security deposit of \$195 at the start of the tenancy.

The rental property is in poor condition and the City of Vancouver has told the landlord it is structurally unsound. The City has been working with the landlord to re-house the tenants.

The landlord gave the tenant two choices on ending the tenancy. The tenant agreed to the second choice and on November 25, 2014 the parties agreed in writing that the tenant would vacate the rental unit on or before January 31, 2015 and the landlord would pay the tenant \$3000 (\$1000 on signing the Mutual agreement and \$2000 when he vacated). On December 4, 2014 the parties signed a Mutual Agreement to End the tenancy on January 31, 2015. The tenant was paid \$1000.

The tenant states he wants to leave but he has been unable to find alternative accommodation. The tenant has not paid rent for February and March

Analysis - Order of Possession:

I determined the landlord was entitled to an Order for Possession pursuant to the Mutual Agreement to End the Tenancy. The parties agreed that I should set 5:00 p.m. March 22, 2015 as the effective date. **Accordingly, I granted an Order for Possession effective 5:00 p.m. on March 22, 2015.** I dismissed the claim of the landlord to recover the cost of the filing fee as it was not part of the settlement.

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, 2015

