



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPC, MNSD, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested an Order of possession for cause.

Preliminary Matters

The application was amended to correct the landlord's name as the surname and first name were reversed.

Initially the landlord said that the tenancy agreement, Notice to end tenancy and proof of service documents were not served to the tenant as evidence for this hearing. During the hearing the tenant referenced the proof of service; confirming he had received the documents. The evidence was then utilized during the hearing.

Background and Evidence

The tenancy commenced on February 1, 2015, rent is \$800.00 per month, due on the first day of each month. The landlord is holding a security deposit in the sum of \$400.00. A copy of the tenancy agreement was supplied as evidence.

The landlord testified that a 1 Month Notice to End Tenancy for Cause was issued on March 6, 2015 and personally handed to the tenant on that date. The tenant referenced the proof of service document supplied by the landlord. The proof of service is signed by the landlord and a witness, declaring the Notice was posted to the door on March 6, 2015. This contradicted the landlord's testimony.

The tenant said he received a note from the landlord telling him he must vacate and that the 1 month Notice ending tenancy for cause was given to him three weeks ago.

Mutually Settled agreement

The parties agreed that the tenancy will end effective 1 p.m. on June 7, 2015. The parties agreed that the landlord is entitled to an Order of possession for the agreed tenancy end date.

Section 62(3) of the Act provides:

(3) The director may make any order necessary to give effect to the rights, obligations and prohibitions under this Act, including an order that a landlord or tenant comply with this Act, the regulations or a tenancy agreement and an order that this Act applies

Therefore, in support of the mutual agreement I find this tenancy will end effective at 1 p.m. on June 7, 2015 and that the landlord is entitled to an Order of possession.

The landlord has been granted an Order of possession that is effective **at 1 p.m. on June 7, 2015**. This Order may be served on the tenant, filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

As the parties reached mutual agreement I decline filing fee costs to the landlord.

Conclusion

The landlord is entitled to an Order of possession.

Filing fee costs are declined.

This decision and mutually settled agreement 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 03, 2015

Residential Tenancy Branch

