



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes O, OPC, FF

Introduction

The Application for Dispute Resolution filed by the landlord makes the following claims:

- a. An Order for Possession on the basis of a mutual agreement to end the tenancy?
- b. An Order for Possession on the basis of a one month Notice to End Tenancy?
- c. An order to recover the cost of the filing fee?

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. The parties acknowledged they had received the documents of the other party.

I find that the Notice to End Tenancy was personally served on the Tenant on August 7, 2015. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the tenant on or about August 31, 2015. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

- 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 October 1, 2014. The rent was \$930 per month payable on the first day of each month. The tenant paid a security deposit of 435\$ at the start of the tenancy.

The tenant(s) vacated the rental unit on October 1, 2015.

Analysis - Order of Possession:

It is no longer necessary to consider the landlord's application for an Order for Possession as the tenant has vacated the rental unit and the landlord has regained possession.

Monetary Order and Cost of Filing fee:

I determined the landlord is entitled to recover the \$50 filing fee. The tenant failed to vacate the rental unit in accordance with the mutual agreement to end the tenancy. The tenant did not dispute this claim. **I ordered that the tenant pay to the landlord the sum of \$50 for the cost of the filing fee.**

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial Court and enforced as an Order of that Court.

Conclusion

The tenant had vacated the rental unit and it was no longer necessary to consider the landlord's application for an Order for Possession. I ordered the tenant pay to the landlord the sum of \$50 for the cost of the filing fee.

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: November 02, 2015

Residential Tenancy Branch

