



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Royal Providence Management
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OP MNR MNSD FF

Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order. The hearing was conducted by conference call. The landlord called in and participated in the hearing.

The tenant did not appear for the hearing. The landlord testified that the tenant was served with the original Application for Dispute Resolution and Notice of Hearing sent by registered mail on August 13, 2016 and with the Amendment to an Application for Dispute Resolution by posting on the door on September 23, 2016.

Issues

Is the landlord entitled to the requested orders?

Background and Evidence

This tenancy began on June 1, 2005. The rent is \$1264.64 per month. The tenant did not pay rent for August when it was due. The landlord served the tenant with a 10 Day Notice to End Tenancy for Unpaid Rent on August 23, 2016. Subsequently, on August 31, 2016 the landlord and tenant entered into a Mutual Agreement to End Tenancy. The Agreement stipulated that the tenant would vacate the rental unit by 1:00 p.m. on August 31, 2016. The tenant failed to vacate the rental unit on the date specified. The tenant is still living in the rental unit and has not paid any rent for September or October.

The landlord submitted copies of the Notice to End Tenancy and the Mutual Agreement to End Tenancy.

Analysis

The Mutual Agreement to End Tenancy indicates that the tenant was supposed to move out on August 31, 2016. The tenant has not moved out. As a result, I am satisfied that the landlord is entitled to an order of possession for the rental unit. As well, I am satisfied that the tenant is liable for the rent for the months of September and October.

Conclusion

I find that the landlord is entitled to an order of possession effective two days after service on the tenant. This order may be filed in the Supreme Court and enforced as an order of that Court

I find that the landlord is entitled to a monetary order in the amount of \$2529.28 for the outstanding rent for September and October. This order may be filed in the Small Claims Court and enforced as an order of that Court.

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: October 03, 2016

Residential Tenancy Branch