



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD & FF

Introduction

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

- a. An Order for Possession for non-payment of rent
- b. A monetary order in the sum of \$1111.75 for unpaid rent and damages
- c. An Order to retain the security deposit.
- d. An order to recover the cost of the filing fee

A hearing was conducted by conference call in the presence of a representative of the applicant and in the absence of the respondent although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

The representative of the landlord stated that she was withdrawing the claim for a monetary order, an order to retain the security deposit and an order to recover the cost of the filing fee.

I find that the Application for Dispute Resolution/Notice of Hearing was served on the respondent by mailing, by registered mail to where the respondent resides. The agent for the landlord testified she has been in contact with the tenant and he has confirmed that while he was not able to pick up the registered mail package, he has received the Application for Dispute Resolution/Notice of Hearing through e-mail and regular mail. I determined there was sufficient service.

Issue(s) to be Decided

The issue to be decided is whether the landlord is entitled to an Order for Possession?

Background and Evidence

The parties entered into a written tenancy agreement that provided that the tenancy would start on July 1, 2012. The present rent is \$780 per month payable on the first day of each month. The tenant paid a security deposit of \$380 at the start of the tenancy.

The parties have entered into a mutual agreement to end the tenancy which included the following:

- The tenancy would end on July 31, 2017.
- This agreement is void if the tenant fails to make the payment of \$780 on June 1, 2017 and \$780 on July 1, 2017.

Analysis - Order of Possession:

The agent for the landlord sought an Order of Possession effective July 31, 2017 pursuant to the Mutual Agreement to End the Tenancy on that date.

I determined the landlord was entitled to an Order of Possession Accordingly, I granted the landlord an Order for Possession effective July 31, 2017.

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.

Analysis - Monetary Order and Cost of Filing fee:

I dismissed the landlord's claim for a monetary order, an order to retain the security deposit and an order to recover the cost of the filing fee with liberty to re-apply as those claims have been withdrawn.

This decision is final and binding on both parties.

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 30, 2017

Residential Tenancy Branch