



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPM & FFL

Introduction

The Application for Dispute Resolution filed by the landlord seeks the following:

- a. An Order for Possession based on a mutual agreement to end the tenancy.
- b. An Order to recover the cost of the filing fee.

The tenant(s) failed to appear at the scheduled start of the hearing which was 11:00 a.m. on November 20, 2018. A representative of the landlord was present and ready to proceed. I left the teleconference hearing connection open and did not start the hearing until 10 minutes after the schedule start time in order to enable the tenant to call in. The tenant(s) failed to appear. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I then proceeded with the hearing. The representative of the landlord was given a full opportunity to present affirmed testimony, to make submissions and to call witnesses.

On the basis of the solemnly affirmed evidence presented at the hearing a decision has been reached. All of the evidence was carefully considered.

I find that the Application for Dispute Resolution and Notice of Dispute Resolution Hearing was served on the Tenant by mailing, by registered mail to where the Tenant resides on October 14, 2018 and that it was sufficiently served even though the Tenant failed to pick up the registered mail package.

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:

On July 3, 2018 the parties signed a mutual agreement to end the tenancy effective September 30, 2018. It was subsequently extended to October 15, 2018 by agreement between the parties.

The landlord advised that the Tenant vacated the rental unit and returned the keys on November 18, 2018.

Analysis - Order of Possession:

I determined the landlord was entitled to an Order for Possession. The parties signed a mutual agreement to end the tenancy effective October 15, 2018. The Tenant failed to attend the hearing. The agreement was voluntary and there is no basis for an order to set aside that agreement. Accordingly, I granted the landlord an Order for Possession.

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.

The landlord withdrew the claim for reimbursement of the cost of the filing fee. As a result I dismissed the claim to recover the cost of the filing fee as withdrawn.

This decision is final and binding on the 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: November 20, 2018

Residential Tenancy Branch