



Dispute Resolution Services

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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 on December 1, 2019.
- 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 9:30 a.m. on November 21, 2019. 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 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 September 18, 2019. The landlord produced evidence from the Canada Post tracking service that indicates it was received the next day. With respect to each of the applicant's claims I find as follows:

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:

The landlord does not know when the tenancy started as it pre-dates the purchase of the park. The present rent is \$482 per month payable in advance on the first day of each month.

The parties entered into a Mutual Agreement to End the Tenancy effective December 1, 2019.

Analysis - Order of Possession:

I determined the landlord was entitled to an Order for Possession. There is a mutual agreement to end the tenancy on December 1, 2019. The tenant failed to appear at the hearing and failed to provide any evidence to dispute the validity of the agreement.

Accordingly, I granted the landlord an Order for Possession effective 12:00 noon on December 1, 2019. The landlord stated they were withdrawing their claim for the cost of the filing fee. As a result I dismissed the claim for the cost of the filing fee as withdrawn.

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.

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 21, 2019

Residential Tenancy Branch