



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPM, FFL

Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order of Possession - Section 55; and
2. An Order to recover the filing fee for this application - Section 72.

The Tenant did not attend the hearing. I accept the Landlord’s evidence that the Tenant was served with the application for dispute resolution, notice of hearing and evidence in person on February 17, 2022 in accordance with Section 89 of the Act. The Landlord was given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Is the Landlord entitled to recovery of the filing fee?

Background and Evidence

The tenancy started on October 27, 2016. Rent of \$400.00 is payable on the first day of each month. At the outset of the tenancy the Landlord collected \$200.00 as a security deposit. On December 13, 2021 the Parties signed a mutual agreement to end the tenancy for January 31, 2022. The Tenant has not moved out of the unit. The Landlord asks for an order of possession to be effective June 30, 2022.

Analysis

Section 55(2)(d) of the Act provides that a landlord may request an order of possession of a rental unit where the landlord and tenant have agreed in writing that the tenancy is ended. Based on the undisputed evidence that the Landlord and Tenant agreed in writing to end the tenancy for January 31, 2022 and on the undisputed evidence that the Tenant has not moved out of the unit I find that the Landlord is entitled to the order of possession as requested. As the Landlord has been successful with its claim I find that the Landlord is entitled to recovery of the \$100.00 filing fee and the Landlord may deduct this amount from the security deposit plus zero interest of \$400.00 is full satisfaction of the claim.

Conclusion

I grant an Order of Possession to the Landlord effective 1:00 p.m. on June 30, 2022. The Tenant must be served with this **Order of Possession**. Should the Tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia 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 Act.

Dated: May 17, 2022

Residential Tenancy Branch