



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNDC, OPB, O

Introduction

Some documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for an Order of Possession, a request for a monetary order for \$1500.00, and a request for recovery of the \$50.00 filing fee.

Background and Evidence

The applicants testified that:

- They had a previous dispute resolution hearing at which the parties came to a mutual agreement.
- Part of the agreement was that the tenant agreed to move from the rental unit by May 31, 2012 ending the tenancy on that date.
- The tenant has failed to comply with the agreement, and is still in the rental unit.
- This rental unit would normally rent out for \$1500.00 per month; however the tenant has paid nothing.

The applicants are therefore requesting an Order of Possession for as soon as possible, and are requesting a monetary order for rent for the month of June 2012.

The respondent testified that:

- The ownership of this property is presently the subject of an arbitration hearing.
- She believes that the arbitration hearing will find that there is also another owner of this property.
- The other owner of this property does not want her to vacate the rental unit.
- The decision on the arbitration will be coming out soon and therefore she believes that this application should be dismissed.

Analysis

It is my decision that the respondent is bound by the agreement made at the previous dispute resolution hearing, as stated in the previous decision this agreement is final and binding.

The respondent agreed to vacate the rental unit on May 31, 2012 and has failed to do so and therefore it is my decision that the applicant does have the right to an Order of Possession.

The respondent has provided no evidence in support of her claims that there is a second owner of this dispute property.

Further since the respondent did not vacate the rental unit on May 31 as she had agreed, I also allow the applicants claim for rent in the amount of \$1500.00 for the month of June 2012.

I also order recovery of the \$50.00 filing fee.

Conclusion

I have issued an Order of Possession that is enforceable two days after service on the respondent.

I have issued a monetary order in the amount of \$1550.00.

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 21, 2012.

Residential Tenancy Branch