



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FF, O

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 ending the tenancy early and obtain an Order of Possession - Section 56;
2. An Order of Possession based on a Mutual Agreement to end the Tenancy – Section 55; and
3. An Order to recover the filing fee for this application - Section 72.

I accept the Landlord’s and Witness evidence that the Tenant was served with the application for dispute resolution and notice of hearing by posting it on the door in accordance with Section 89 of the Act. The Tenant did not participate in the conference call hearing. The Landlord was given full opportunity to be heard, to present evidence and to make submissions.

Preliminary Matter

At the onset of the Hearing, the Landlord confirmed that he is seeking only an Order of Possession based on the mutual agreement to end the tenancy. The Landlord withdraws his application for an early end of tenancy.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession?

Background and Evidence

The tenancy of a furnished basement unit began on June 9, 2012 with \$850.00 rent payable monthly. At the onset of the tenancy the Landlord collected \$440.0 as a security deposit. On June 10, 2012, the Landlord and the Witness observed a person leaving the basement unit with the Landlord’s TV while the Tenant was calling out to the person to take the remote. The Landlord stopped the person, retrieved the TV and called the police. When the police attended the unit, the Parties entered into a mutual agreement to end the tenancy on or before 1:00 p.m. on June 30, 2012. The Landlord

states that at the time the situation was tense and the Landlord forgot to put the date on the agreement. The Landlord requests an Order of Possession as he is concerned that the Tenant will not leave at the end of June 2012.

Analysis

Section 55 of the Act provides that a landlord may request an order of possession by making an application for dispute resolution where the landlord and tenant have agreed in writing that the tenancy is ended. Based on the undisputed evidence of the Landlord, I find that the Parties have mutually agreed to end the tenancy and that the Landlord is therefore entitled to an Order of possession for June 30, 2012. Given that the Landlord has asked for an Order of Possession prior to the agreed upon move-out date, I decline to award recovery of the filing fee.

Conclusion

I grant an Order of Possession to the Landlord effective on or before 1:00 p.m. on June 30, 2012.

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 20, 2012.

Residential Tenancy Branch