



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPRM, MNRL

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for an order of possession, pursuant to a mutual end to tenancy agreement, entered into by the parties. The landlord also applied for a monetary order for unpaid rent.

The notice of hearing was served on the tenant in person on March 15, 2023. The landlord filed a photograph of the tenant and the notice of hearing package placed on a table located inside the rental unit, by the door. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

Issues to be decided

Is the landlord entitled to an order of possession? Is the landlord entitled to a monetary order for unpaid rent?

Background and Evidence

The landlord testified that the tenancy started approximately four years ago. The monthly rent is \$672.00 payable on the first of each month. The landlord testified that as of the date of this hearing, the tenant owed \$300.00 in unpaid rent. The landlord filed copies of rent receipts to support his testimony.

On November 23, 2022, the parties agreed to end the tenancy and signed a termination agreement which would be effective on February 23, 2023. A copy of the agreement was filed into evidence.

According to the agreement the tenant agreed to move out on February 23, 2023. However, as of the date of this hearing, June 26, 2023, the tenant still occupied the landlord's property. The landlord has requested an order of possession effective two days after service on the tenant and a monetary order in the amount of \$300.00 for unpaid rent.

Analysis

Based on the undisputed testimony and documentary evidence of the landlord, I find that the tenant had agreed to move out on February 23, 2023, and as of June 26, 2023, was still in occupation of the rental unit.

Therefore, I find that the landlord is entitled to an order of possession and pursuant to section 55(2); I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

I grant the landlord a monetary order under section 67 of the *Residential Tenancy Act* for the amount of \$300.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant and a monetary order for \$300.00.

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 26, 2023

Residential Tenancy Branch