



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes ET

Introduction

This hearing dealt with the landlord's request for an early end to tenancy. Both parties appeared at the hearing and were provided the opportunity to be heard.

Issues(s) to be Decided

1. Has the landlord established an entitlement to end the tenancy earlier than had the landlord issued a 1 Month Notice to End Tenancy for Cause?
2. Mutual agreement between the parties.

Background and Evidence

I heard undisputed testimony that the tenancy with the female tenant commenced August 1, 2008. The male tenant moved in with the female tenant in November 2008 and the landlord established a tenancy relationship with the male tenant. The rental unit is the upper level of a house and use of the common areas, including the kitchen, living room, bathroom and yard. The landlord occupies the basement level and uses the same common areas as the tenants. The landlord is not the owner of the residential property.

The landlord made several allegations against the tenants that the tenants denied. The parties were able to reach a mutual agreement to end the tenancy during the hearing which I record as follows:

1. The tenants will meet the landlord at the property at 7:00 a.m. on May 25, 2009 to retrieve their possessions from the landlord's garage.
2. The tenants will vacate and clean the rental unit by 1:00 p.m. on May 26, 2009 and return possession of the rental unit to the landlord at that time.
3. Until 1:00 p.m. on May 26, 2009 the tenants retain the right to unrestricted access their rental unit.



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Analysis

Having found jurisdiction to hear this matter, I accept the mutual agreement reached between the parties and order that it be binding upon both parties. In recognition of the mutual agreement, the tenancy shall end and I provide the landlord with an Order of Possession effective at 1:00 p.m. on May 26, 2009. The landlord must serve the Order of Possession upon the tenant and may file it in The Supreme Court of British Columbia to enforce as an Order of that court.

The parties are reminded that the Act prohibits a landlord or a tenant from unreasonably disturbing or significantly interfering with the other party's right to quiet enjoyment of their living accommodation and common areas. In addition, the landlord must not restrict access to essential services and facilities during the remainder of the tenancy.

Conclusion

The tenancy ends by mutual agreement, and the landlord is provided an Order of Possession, effective 1:00 p.m. on May 26, 2009. The landlord is to provide the tenants with access to the garage at 7:00 a.m. on May 25, 2009 in order to retrieve the tenants' possessions from the garage.

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: May 20, 2009.

Dispute Resolution Officer