



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

### Dispute Codes

OPL

### Introduction

This hearing was held in response to the landlord's Application for Dispute Resolution requesting an order of possession for landlord's use of the property.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained, evidence was reviewed and the parties were provided with an opportunity to ask questions about the hearing process. They were provided with the opportunity to submit documentary evidence prior to this hearing, to present affirmed oral testimony and to make submissions during the hearing.

### Settled Agreement

I found that the Notice to End Tenancy for Landlord's use issued on December 15, 2009 was served on that date by posting to the door at 3 p.m. by the landlord's male agent. The Notice effective date is February 28, 2010. The tenants did not dispute this Notice as they believed they had a mutual agreement to end the tenancy in July 2010.

During the hearing the landlord offered to allow the tenants to remain in the rental unit until July 31, 2010.

Therefore, based upon the mutual agreement of the landlord's son and the male tenant, this tenancy will end on July 31, 2010 by 1:00 p.m.

I find, that the tenant has mutually agreed to end the tenancy and did not dispute the Notice to End Tenancy issued on December 15, 2009. Therefore, I find that the tenancy is ending based on a mutual agreement, not as the result of a 2 Month Notice to End Tenancy.

Therefore, the landlord is entitled to an Order of possession effective July 31, 2010, at 1:00 p.m.

The landlord stated that he has not received rent for the past two months. The parties were reminded that rent must be paid when it is due and that any rent arrears not paid could result in the landlord issuing a 10 Day Notice for Unpaid Rent.

### Conclusion

The parties have mutually agreed to end this tenancy effective July 31, 2010, at 1:00 p.m. The landlord has been granted an Order of possession that is effective **July 31, 2010, at 1:00 p.m.** This Order may be served on the tenants, filed with 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 *Residential Tenancy Act*.

Dated: February 10, 2010.

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Dispute Resolution Officer