

## DECISION

Dispute Codes      O

### Introduction

This hearing dealt with the landlord's Application for Dispute Resolution for an order of possession.

The hearing was conducted via teleconference and was attended by two agents for the landlord. The tenant did not attend.

The landlord's first agent testified that she had served the tenant with notice of this hearing by posting it on the tenant's door on April 17, 2010. The landlord's second agent testified that he saw the tenant two days later and although she confirmed to him that she had received the notice of the hearing he stated he personally gave her another notice of the hearing.

Based on the testimony of the agents I find that the tenant has been served with the Notice of Hearing documents.

### Issues(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession for a mutually agreed upon end to the tenancy, pursuant to sections 44 and 55 of the *Residential Tenancy Act (Act)*.

### Background and Evidence

The landlord submitted into evidence a copy of a "Termination Agreement" signed by both parties on April 12, 2009 agreeing to end the tenancy at 1:00 p.m. on April 30, 2009.

The landlord testified the tenant has been moving out for several weeks and believes that she may already have moved out, however he is unable to confirm this.

### Analysis

Section 44 of the *Act* allows a tenancy to end if the landlord and tenant agree in writing to end the tenancy and while the landlord has submitted a document signed by the tenant and the landlord's agent the document shows as being signed in 2009 based on the landlord's testimony I find this is likely an administrative error and the mutual agreement to be valid.

### Conclusion

I find that the landlord is entitled to an Order of Possession effective **two days after service on the tenant**. This order must be served on the tenant and may be filed in the Supreme Court 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: June 03, 2010.

---

Dispute Resolution Officer