



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes O

Introduction

This hearing dealt with the landlord's application for an Order of Possession based upon a mutual agreement to end tenancy. Both parties appeared at the hearing and were provided the opportunity to make submissions, in writing and orally, and to respond to the submissions of the other party.

Issues(s) to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

I was provided the following undisputed evidence. The owner authorized the applicant to act on behalf of the landlord on September 27, 2010. On October 6, 2010 the landlord and tenant executed a mutual agreement to end the tenancy effective 13:00 hrs on November 30, 2010.

The tenant testified that she was approached by the owner's realtor and the owner's niece a few days ago. The realtor and niece indicated to the tenant the owner wanted the tenant to stay until the house was sold.

The landlord confirmed that the house is for sale but stated he has not received instructions from the owner to reinstate the tenancy. The landlord indicated he would contact the owner to confirm the landlord's intent but that at the time of this hearing the

landlord must pursue the request for an Order of Possession based upon the written agreement to end tenancy.

Analysis

Section 44 of the Act provides that a tenancy may end when the landlord and tenant agree in writing to end the tenancy.

Upon review of the written agreement to end tenancy I find the tenancy shall legally end November 30, 2010. I have insufficient evidence to conclude the tenancy has been reinstated at the time of this hearing. Accordingly, I grant the landlord's request for an Order of Possession effective November 30, 2010. The parties remain at liberty to mutually agree, in writing, to reinstate the tenancy or enter into a new tenancy agreement.

To enforce the Order of Possession it must be served upon the tenant and may be filed in The Supreme Court of British Columbia to enforce as an Order of that court.

Conclusion

The landlord has been provided an Order of Possession effective November 30, 2010 to serve upon the tenant.

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: November 18, 2010.

Dispute Resolution Officer