

Decision

Dispute Codes: CNC, OPC

Introduction

This hearing dealt with the tenant's application for cancellation of a notice to end tenancy for cause. Both parties participated in the hearing and gave affirmed testimony. During the hearing, the landlord made an oral request for an order of possession in the event the tenant's application does not succeed.

Issues to be decided

- Whether either party is entitled to the above under the Act

Background and Evidence

Pursuant to a written tenancy agreement, the tenancy began on August 1, 2009. Monthly rent is \$770.00, and a security deposit of \$385.00 was collected.

Arising from a number of concerns related to the tenancy, the landlord issued a 1 month notice to end tenancy for cause dated January 20, 2011. Thereafter, the tenant filed an application to dispute the notice on January 28, 2011. Subsequent to that, on February 3, 2011, the parties signed off on a "Mutual Agreement to End a Tenancy" to be effective February 28, 2011. During the hearing the tenant acknowledged that she had entered into the agreement with the landlord to end the tenancy, as above, and that she was therefore not any longer disputing the landlord's notice to end tenancy.

Conclusion

Pursuant to the above, I hereby issue an **order of possession** in favour of the landlord effective not later than **1:00 p.m., Monday, February 28, 2011**. This order must be served on the tenant. Should the tenant fail to comply with the order, the order may be filed in 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*.

DATE: February 11, 2011

Residential Tenancy Branch

