



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPB, FF, 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 relevant submissions, in writing and orally pursuant to the Rules of Procedure, and to respond to the submissions of the other party.

The tenant testified that he had provided the Residential Tenancy Branch with documentary evidence; however, the documents were not served upon the landlord or his counsel. I informed the parties that I would not accept or consider the documents submitted by the tenants but would provide the tenants the full opportunity to provide verbal testimony in support of their position.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

The tenants entered into a verbal tenancy agreement with the former owner of the property in January 2011. The tenants were paying rent of \$650.00 semi-monthly. Ownership of the property changed in August 2011. Near the end of September 2011 the landlord and tenants signed a Mutual Agreement to End Tenancy with an effective date of November 30, 2011. The agreement indicates the tenants would not be required to pay rent for the months of October or November 2011.

I heard undisputed testimony that the tenants have not paid rent for October or November 2011 and they continue to reside in the rental unit.

The landlord requested an Order of Possession effective immediately. The tenants requested more time to vacate the rental unit in order to obtain other accommodation.

Analysis

Section 44 (c) of the Act provides that a tenancy ends if the landlord and tenant agree in writing to end the tenancy. The landlord has satisfied me that the parties mutually agreed, in writing, to end the tenancy effective November 30, 2011. Accordingly, the tenants were required to vacate the rental unit no later than November 30, 2011 and since the tenants continue to occupy the rental unit the landlord is entitled to an Order of Possession. Provided to the landlord with this decision is an Order of Possession effective two (2) days after service upon the tenants.

As the landlord was successful in this application the landlord is awarded the filing fee paid for this application. Provided with this decision is a Monetary Order in the amount of \$50.00 for the landlord to serve upon the tenants.

Conclusion

The landlord is provided an Order of Possession effective two (2) days after service upon the tenants. The landlord is provided a Monetary Order in the amount of \$50.00 to serve upon the tenants.

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: December 21, 2011.

Residential Tenancy Branch