



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

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### Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for an Order of Possession pursuant to section 55 to ensure that the tenant vacated the rental unit in accordance with the terms of a mutual agreement to end this tenancy reached between the parties. The landlord provided written evidence that she sent a copy of the dispute resolution hearing package to the tenant by registered mail on December 23, 2011. The landlord's written evidence included a copy of the Canada Post Tracking Number to confirm this mailing. I am satisfied that the landlord served a copy of the dispute resolution hearing package in accordance with the *Act*.

### Issues(s) to be Decided

Is the landlord entitled to an Order of Possession?

### Background and Evidence

This periodic tenancy commenced on June 1, 2011. Monthly rent was set at \$750.00, payable in advance on the first of each month. The landlord continues to hold the tenant's \$375.00 security deposit paid on June 1, 2011.

The landlord entered into written evidence a copy of the mutual Termination Agreement that the parties signed on November 14, 2011 terminating this tenancy on December 31, 2011. Although the landlord believed that the tenant has vacated the rental unit, the landlord asked for an Order of Possession to give effect to the Termination Agreement.

### Analysis

Since I am satisfied that both parties signed the November 14, 2011 Termination Agreement, this tenancy ended on December 31, 2011. In accordance with section 55(2)(d) of the *Act*, I find that the landlord is entitled to an immediate Order of Possession which I am attaching to this decision.

### Conclusion

I provide the landlord with a formal copy of an Order of Possession to take effect immediately. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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: January 05, 2012

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Residential Tenancy Branch