



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes: OP

### Introduction

The hearing was convened in response to an application by the landlords for an order of possession. The landlords participated in the hearing and gave affirmed testimony.

Despite in-person service of the application for dispute resolution and notice of hearing on May 3, 2012, neither tenant appeared.

### Issue(s) to be Decided

Whether the landlords are entitled to the above under the Act, Regulation or tenancy agreement.

### Background and Evidence

Pursuant to a written tenancy agreement, the fixed term of tenancy is from November 1, 2011 to November 30, 2012. Monthly rent of \$1,300.00 is due and payable on the first day of each month, and a security deposit of \$650.00 was collected.

Arising from rent which was unpaid when due on May 1, 2012, the parties entered into agreements to end tenancy and to resolve the matter of unpaid rent. Specifically, on May 2, 2012 the parties affixed their signatures on a Mutual Agreement to End a Tenancy (# RTB – 8), reflecting the agreement that tenancy will end effective 12:00 p.m. on May 31, 2012. By way of a separate document which was also signed by both parties on May 2, 2012, the parties agreed on a means of resolving the unpaid rent; this agreement includes, but is not limited to, a provision that the landlords will retain the tenants' full security deposit at the end of tenancy.

### Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: [www.rto.gov.bc.ca](http://www.rto.gov.bc.ca)

Section 44 of the Act speaks to **How a tenancy ends**, and provides in part:

44(1) A tenancy ends only if one or more of the following applies:

(c) the landlord and tenant agree in writing to end the tenancy;

Section 55 of the Act addresses **Order of possession for the landlord**, and provides in part:

55(2) A landlord may request an order of possession of a rental unit in any of the following circumstances by making an application for dispute resolution:

(d) the landlord and tenant have agreed in writing that the tenancy is ended.

Based on the documentary evidence and the affirmed / undisputed testimony of the landlords, I find that the landlords have established entitlement to an order of possession.

#### Conclusion

I hereby issue an **order of possession** in favour of the landlords effective not later than **12:00 p.m. (Noon), Thursday, May 31, 2012**. This order must be served on the tenants. Should the tenants 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*.

Dated: May 24, 2012.

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Residential Tenancy Branch