



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC

Introduction

A substantial amount of documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for an Order of Possession based on a mutual agreement to end tenancy.

Background and Evidence

The applicants testified that:

- On May 29, 2012 the respondent signed a mutual agreement to end tenancy with an end of tenancy date of July 31, 2012.
- The respondent has failed to comply with that mutual agreement to end tenancy and is still in the rental unit.
- They have accepted rent for the month of August 2012 for use and occupancy only.
- They are willing to give the tenant some extra time but are requesting an Order of Possession for September 30, 2012.

The respondent testified that:

- He did sign a mutual agreement to end the tenancy on July 31, 2012, however he has not been able to sell the unit and wishes to stay until he is able to sell it.
- He lives on a disability pension, and is unable to move the trailer.

Analysis

It is my finding that the tenant has signed a binding agreement to end the tenancy on July 31, 2012 and therefore he should have vacated by that date.

Therefore the landlord does have the right to an Order of Possession; however since they have agreed to allow further time I will issue an order possession for the end of September 2012.

Conclusion

I have issued an Order of Possession to the landlords for 1 p.m. September 30, 2012.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Manufactured Home Park Tenancy Act*.

Dated: August 16, 2012.

Residential Tenancy Branch