



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested an Order of possession based upon a signed mutual agreement to end the tenancy.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained, evidence was reviewed and the parties were provided with an opportunity to ask questions about the hearing process. They were provided with the opportunity to submit documentary evidence prior to this hearing, all of which has been reviewed, to present affirmed oral testimony and to make submissions during the hearing. I have considered all of the evidence and testimony provided.

Issue(s) to be Decided

Is the landlord entitled to an Order of possession based on a mutual written agreement?

Background and Evidence

The parties agreed that the tenancy commenced in mid to late June, 2012. Rent was agreed to be \$300.00 per month due on the first day of each month.

The tenant confirmed that on July 31, 2012, he signed a Mutual Agreement to End Tenancy which required him to vacate the unit on either August 3 or 9, 2012, by 12 noon. The tenant has yet to vacate the rental unit. A copy of the mutual agreement was supplied as evidence.

The tenant confirmed he did not pay rent owed in September; the landlord said the tenant has not paid any rent since he moved into the unit.

The landlord requested an Order of possession effective September 30, 2012.

Analysis

Section 55(2)(d) of the Act determines that a landlord may request an Order of possession if:

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

There was no dispute that the tenant and landlord agreed, in writing, to end the tenancy. The tenant has failed to vacate the rental unit. Therefore, based on the Mutual Agreement to End Tenancy signed on July 31, 2012, I find that the landlord is entitled, pursuant to section 55 (2) of the Act, to an Order of possession effective at 1 p.m. on September 30, 2012.

Conclusion

The landlord has been granted an Order of Possession that is effective September 30, 2012 at 1 p.m. This Order may be served on the tenant, filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: September 20, 2012.

Residential Tenancy Branch