



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OP O

### Introduction

This application was brought by the landlord seeking an Order of Possession in support of a mutual agreement to end the tenancy no later than March 31, 2013.

Despite having been served with the Notice of Hearing in person, and having advised the park manager a day earlier that she would be attending, the tenant did not call in to the number provided to enable her participation in the telephone conference call hearing. Therefore, it proceeded in her absence.

### Issue(s) to be Decided

Have the parties confirmed their agreement to end the tenancy on March 31, 2013 to a degree that qualifies for an Order of Possession.

### Background and Evidence

This tenancy is in a manufactured home park. The rental unit is owned by the landlord and it is rented under the *Residential Tenancy Act*. The tenancy began on November 1, 2011, rent is \$700 per month and the landlord holds a security deposit of \$350 paid on November 30, 2011.

During the hearing, the park manager gave evidence that there had been some issues in the past with the tenancy resulting in a Notice to End Tenancy for cause dated August 8, 2012. The notice was not contested and, on the tenant's assurance that she would be vacating by October 1, 2012, the landlord did not apply for an Order of Possession.

However, through consultation, the parties have agreed to end the tenancy on March 31, 2013. While he had initially proposed March 1, 2013 as recorded in his email transmitting that of the tenant to the park manager on December 24, 2012, he noted in his email to the manager on December 25, 2012 at item #5, that the tenant had replied that March 31, 2013 was the agreed upon date.

The landlord's written submission stated that it was essential for him to confirm the vacancy for that period as he would be travelling from Thailand to do renovation work on the unit and is booked by non-refundable ticket to return there on May 2, 2013.

### Analysis

Section 55(2)(d) of the Act provides that a landlord may request an Order of Possession in order to support a written agreement between the landlord and the tenant to end the tenancy. Accordingly, I find that the landlord is entitled to an Order of Possession to take effect at 1 p.m. on March 31, 2013.

### Conclusion

The landlord's copy of this decision is accompanied by an Order of Possession enforceable through the Supreme Court of British Columbia to take effect no later 1 p.m. on March 31, 2013 for service on the tenant.

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 07, 2013.

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Residential Tenancy Branch

