



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes O

Introduction

This hearing was convened on an application made by the landlord on March 15, 2013 seeking an Order of Possession in support of a Mutual Agreement to end the tenancy.

Despite having been served with the Notice of Hearing sent by registered mail on March 19, 2013, the tenants did not call in to the number provided to enable their participation in the telephone conference call hearing. Therefore, it proceeded in their absence.

Issue(s) to be Decided

I the landlord entitled to an Order of Possession as requested?

Background and Evidence

This tenancy began on or about July 15, 1992 as a co-tenancy. According to the landlord, one of the tenants left the tenancy about a year ago, and was replaced by another co-tenant at the time.

During the hearing, the landlord submitted into evidence a copy of a Mutual Agreement to End Tenancy signed by one of the tenants on March 9, 2013 and by the other on March 12, 2013.

The landlord also submitted a number of documents relating to insect infestations as a result of the tenants bringing discarded furnishings and other items into the rental unit.

Analysis

Section 44 of the *Act* sets out the conditions under which a tenancy may be ended and includes subsection (1)(c) “the landlord and tenant agree in writing to end the tenancy.”

Among other reasons, section 55(2)(d) of the *Act* provides that a landlord may make application for an Order of Possession when, “the landlord and tenant have agreed in writing that the tenancy is ended.”

Having examined the Mutual Agreement to End Tenancy and, in the absence of any evidence to the contrary, I find that the parties have agreed that the tenancy ends on April 15, 2013 at 1 p.m. and that the landlord is entitled to an Order of Possession to support the agreement.

Having found that the tenancy is ending by agreement, I find it is not necessary to review the background documents provided by the landlord in detail.

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 at 1 p.m. on April 15, 2013.

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: April 12, 2013

Residential Tenancy Branch