



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPB FF O

Introduction

This hearing dealt with an application by the landlord for an order of possession pursuant to a mutual agreement to end tenancy.

The landlord's agent participated in the teleconference hearing, but the tenants did not call into the hearing. The landlord's agent stated that on March 25, 2013 the landlord personally served the tenants with the application for dispute resolution and notice of hearing. I accepted the landlord's evidence on service and proceeded with the hearing in the absence of the tenants.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

On February 11, 2013 the landlord and the tenants signed a mutual agreement to end the tenancy on February 28, 2013. The tenants did not vacate the rental unit on that date. In the hearing, the landlord's agent stated the tenants agreed to be moved out of the unit on April 21, 2013. The landlord requested an order of possession for that date.

Analysis

Section 55 of the Act states that when the landlord and the tenant agree in writing that the tenancy has ended, the landlord may request an order of possession based on that agreement. I find in this case that the landlord and the tenants did enter into a written agreement that the tenancy would end, and the landlord is entitled to an order of possession based on that mutual agreement.

As the landlord's application was successful, they are also entitled to recovery of the \$50 filing fee for the cost of their application.

Conclusion

I grant the landlord an order of possession effective April 21, 2013. The tenants must be served with the order of possession. 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.

I also grant the landlord an order for \$50.

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 18, 2013

Residential Tenancy Branch