



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

This hearing dealt with the landlords' Application for Dispute Resolution, seeking an order to end the tenancy early, and receive an order of possession.

The landlords and one tenant, SH, attended the hearing and gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

Tenant SH confirmed that she received the Notice of Hearing and evidence prior to the hearing and that she had the opportunity to review the evidence prior to the hearing. The landlords testified that the male tenant was served with the Notice of Hearing and evidence on June 7, 2013 by registered mail. Tenant SH stated that she also sent the Notice of Hearing and evidence to the male tenant, JH, via JH's father's e-mail address on June 18, 2013. On June 19, 2013, tenant SH stated that the father of tenant JH replied by e-mail that he would print off the documents and ensure his son JH received the documents. I am satisfied that both tenants were sufficiently served with the Notice of Hearing and evidence in accordance with the *Act*.

Issue to be Decided

- Are the landlords entitled to an order of possession under the *Act*?

Background and Evidence

A fixed term tenancy began on January 15, 2013 and was to revert to a month to month tenancy after January 31, 2014. Monthly rent in the amount of \$1,450.00 was due on the first day of each month. The tenants paid a security deposit of \$725.00 at the start of the tenancy.

The landlords and tenant SH agree that on April 29, 2013, tenant SH sent an e-mail to the landlords requesting to end the tenancy early on May 31, 2013. The landlords confirmed that they mutually agreed in writing to end the tenancy early on May 31, 2013. On May 21, 2013, tenant SH vacated the rental unit while her co-tenant, JH, began to move his personal items and invite others into the rental unit.

The tenancy ended on May 31, 2013 based on the mutual agreement of the landlords and tenant SH. Tenant JH remains in the rental unit and has other occupants living there also and refuses to leave.

Analysis

Based on the documentary evidence and the testimony provided by tenant SH and the landlords during the hearing, and on a balance of probabilities, **I find** that the tenancy ended by mutual agreement on May 31, 2013. Therefore, pursuant to section 55(2)(d) of the *Act*, **I grant** the landlord's an order of possession **effective immediately** as tenant JH remains in the rental unit and has invited other occupants to live in the rental unit.

I do not find it necessary to consider an early end to the tenancy as the tenancy has already ended as of May 31, 2013. The landlords must serve the tenants with the order of possession. This order may be enforced through the Supreme Court of British Columbia.

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: June 24, 2013

Residential Tenancy Branch