



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes O, FF

Introduction

This is an application for an Order of Possession based on a Mutual Agreement to End Tenancy, and a request for recovery of the \$50.00 filing fee.

A substantial amount of documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The applicant testified that the respondent(s) were served with notice of the hearing by registered mail that was mailed on August 27, 2013; however the respondent(s) did not join the conference call that was set up for the hearing.

Document sent by registered mail are deemed served five days after the date they are mailed, and therefore it's my finding that the respondents have been properly served with notice of today's hearing.

All testimony was taken under affirmation.

The Residential Tenancy Act requires that the notice of hearing be served on the respondent within three days from the date the application was filed, however in this case I will allow the late service, as the applicant was out of town when the documents were

ready to be picked up from the Residential Tenancy Branch. The documents were still served more than four weeks before the hearing, giving the respondents ample time to prepare for the hearing.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession and recovery of the \$50.00 filing fee?

Background and Evidence

The applicant testified that:

- Tenant P.G. signed a mutual agreement to end the tenancy on July 1, 2013 and an exchange the tenants were given free rent for the month June 2013.
- The tenants subsequently requested one extra month as they were having difficulty finding a new place to rent.
- They therefore agreed to allow the tenants to stay one extra month and agreed that the end of tenancy date would be extended to August 31, 2013.
- The tenants failed to comply with the mutual agreement and did not vacate on August 31, 2013 and in fact are refusing to do so.
- The tenants have not paid any rent for the month of August 2013 or the month of September 2013, as well as having received the free rent for the month of June 2013.
- They are therefore requesting an Order of Possession for as soon as possible.

Analysis

I have reviewed the information provided by the applicant and it is my finding that the tenants are bound by the Mutual Agreement to End Tenancy that was signed on June 10, 2013.

The tenants were even given compensation of one free month rent in exchange for the agreement to vacate and yet they still failed to do so.

It is my decision therefore that I will issue an Order of Possession to the landlords and Order recovery of the filing fee.

Conclusion

I have issued an Order of Possession that is enforceable two days after service on the respondents, and I have issued a monetary order in the amount of \$50.00 to cover the cost of the filing fee.

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: September 26, 2013

Residential Tenancy Branch