



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Vancouver Eviction Services and K.B. Properties Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

OPR

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has made application requesting an Order of Possession based upon a mutual agreement.

The agent for the landlord provided affirmed testimony that on July 27, 2013 copies of the Application for Dispute Resolution and Notice of Hearing were sent to the tenant via registered mail at the address noted on the Application; where the tenant resides. A Canada Post tracking number and receipt was provided as evidence of service.

During the hearing the landlord checked the Canada Post web site and determined that the tenant has not retrieved the registered mail.

These documents are deemed to have been served on the 5th day after mailing, in accordance with section 89 and 90 of the Act; however the tenant did not appear at the hearing.

Issue(s) to be Decided

Is the landlord entitled to an Order of possession based on a mutual agreement of the parties?

Background and Evidence

The tenancy agreement requires the tenant to pay site rental of \$450.00 per month. Rent is due on the 1st day of each month.

On June 15, 2013 the tenant and landlord signed a mutual agreement to end the tenancy effective July 31, 2013 at 1 p.m. The agreement provided the tenant with rent-free use of the site for June and July, 2013. The tenant has not paid rent for August and has yet to provide the landlord with vacant possession of the site.

The landlord has requested an order of possession, based upon the written agreement, a copy of which was provided as evidence. The tenant was given a copy of the agreement at the time it was signed; a copy was also included in the hearing package sent to the tenant on July 27, 2013.

Analysis

Section 48(2)(d) of the Act provides the landlord with the right to request an Order of possession when:

(d) the landlord and tenant have agreed in writing that the tenancy is ended.

Therefore, pursuant to section 48(2)(d), I find that the tenancy ended effective July 31, 2013; the date agreed to in writing by the parties and that the landlord is entitled to an Order of possession. I have based this decision on the mutual agreement that was signed by the parties.

The landlord has been granted an Order of Possession that is effective 2 days after the Order has been served to the tenant. This Order may be served on the tenant, filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

Conclusion

The landlord is entitled to an Order of possession.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Manufactured Home Park Tenancy Act*.

Dated: September 03, 2013

Residential Tenancy Branch

