



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding KB Properties Inc. and Vancouver Eviction Services
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes O

Introduction

This hearing dealt with an application by the landlord for an order of possession pursuant to a mutual agreement to end tenancy. An agent for the landlord called in to the teleconference hearing, but the tenant did not.

The landlord submitted evidence to establish that the tenant was served with the application for dispute resolution and notice of hearing by registered mail on August 9, 2013. Section 83 of the Act states that a document is deemed to have been served five days after mailing. I found that the tenant was deemed served with notice of the hearing on August 14, 2013, and I proceeded with the hearing in the absence of the tenant.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The landlord submitted a one-page document entitled "Termination Agreement," in which the landlord and the tenant agreed in writing that the tenancy would end on September 30, 2013, in consideration of the landlord paying the tenant \$3,200 on or before July 23, 2013 and allowing the tenant to retain their rent for July, August and September 2013.

The landlord's agent stated that the tenant had been paid the amount set out in the termination agreement.

Analysis

I accepted the landlord's evidence that the conditions on the agreement had been met, and I found that the landlord was therefore entitled to an order of possession pursuant to the termination agreement.

Conclusion

I grant the landlord an order of possession effective September 30, 2013. The tenant must be served with the order of possession. Should the tenant 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.

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 13, 2013

Residential Tenancy Branch

