



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Villa Adria Apts.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes O, FF

Introduction

This is an application filed by the landlord to obtain an order of possession of the rental unit as a result of a mutual agreement to end the tenancy and recovery of the filing fee.

Both parties attended the hearing by conference call and gave testimony. As both parties have attended the hearing, I am satisfied that both parties have been properly served. The tenant did not submit any documentary evidence and has confirmed receipt of the landlord's documentary evidence.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The landlord states that a mutual agreement to end the tenancy was entered into dated October 11, 2014 to end the tenancy on January 31, 2015 and the landlord wishes to obtain an order of possession. The landlord has submitted a copy of the signed agreement in support of the application.

The tenant confirmed in his direct testimony that a mutual agreement to end the tenancy was signed after entering into an agreement with the landlord.

Analysis

I accept the undisputed evidence of both parties and find that an agreement to mutually end the tenancy was entered into by both parties dated October 11, 2014. The effective end of tenancy was agreed to for 4:00 pm on January 31, 2015. The landlord is granted an order of possession. This order must be served upon the tenant. 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.

As for the monetary claim of \$50.00 for the recovery of the filing fee, I find that as the landlord was pre-mature in the application for an order of possession that I decline to make such an order for the landlord.

Conclusion

The landlord is granted an order of possession as a result of a mutual agreement to end the tenancy for January 31, 2015.

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: January 22, 2015

Residential Tenancy Branch

