



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPB, O

Introduction

This is an application filed by the landlord for an order of possession as a result of a mutual agreement to end the tenancy.

The landlord attended the hearing by conference call and gave undisputed testimony. The tenant did not attend or submit any documentary evidence. The landlord states that the tenant was served with the notice of hearing package and the submitted documentary evidence on January 5, 2015 in person and has submitted a signed statement by the landlord with a witness confirming the service.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The landlord states that the rental property was sold to a buyer and that the tenant was advised on December 17, 2014 that the buyer would take empty possession of the property on February 1, 2015.

Both parties entered into a mutual agreement to end the tenancy on January 31, 2015 that was signed by each party on December 17, 2014. The landlord has submitted a copy of the signed agreement in support of the claim. The landlord states that the tenant has now refused to move out. The landlord clarified that at the beginning of January 2015 the tenant advised him that he was unable to locate a new place to live and would not be moving out as agreed upon.

Analysis

I accept the undisputed evidence of the landlord and find that a mutual agreement to end the tenancy was entered into on December 17, 2014 by both parties to end the tenancy on January 31, 2015 as shown by the submitted copy of the agreement.

I also accept based upon the undisputed testimony of the landlord that the tenant verbally told him that he would now not be vacating the rental unit as agreed upon.

I find that the landlord has established grounds for an order of possession as a result of mutually agreement to end the tenancy for January 31, 2015. The landlord is granted an order of possession. I note that the agreement does not specify a time, but shows a selection made of the "a.m.". As such, I order that the time of the order of possession to be for 11:00 am on January 31, 2015.

Conclusion

The landlord is granted an order of possession for January 31, 2015 at 11am. 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.

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 23, 2015

Residential Tenancy Branch

