



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPB

### Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord filed under the Residential Tenancy Act, (the “Act”), for an order of possession.

The landlord attended the hearing. As the tenant did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered.

The Residential Tenancy Branch Rules of Procedure states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The landlord testified the Application for Dispute Resolution and Notice of Hearing were sent by registered mail sent on May 20, 2015, a Canada post tracking number was provided as evidence of service. The landlord stated that the Canada Post track history indicated the package was successfully delivered to the tenant on May 21, 2015.

I find that the tenant has been duly served in accordance with the Act.

### Issue to be Decided

Is the landlord entitled to an order of possession?

### Background and Evidence

The tenancy began on May 1, 2012. Rent in the amount of \$700.00 was payable on the first of each month. The tenant did not pay a security deposit.

The landlord testified that on May 5, 2015, the parties entered into a mutual agreement to end the tenancy on July 1, 2015 at 12:00 pm. The landlord stated the tenant has not vacated the premises as agreed upon. The landlord seeks an order of possession. Filed in evidence is a copy of the mutual agreement signed by the parties on May 5, 2015.

### Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

I accept the evidence of the landlord that the parties entered into a mutual agreement to terminate the tenancy on July 1, 2015. I further accept the evidence of the landlord that the tenant has failed to vacated the premises on the agreed upon date. I find the tenant has breached the Act, and mutual agreement to end the tenancy.

Therefore, I find that the landlord is entitled to an order of possession, pursuant to section 55 of the Act, effective **two days** after service on the tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

### Conclusion

The landlord is granted 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 *Residential Tenancy Act*.

Dated: July 07, 2015

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Residential Tenancy Branch

