



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

### Dispute Codes:

ET and FF

### Introduction

This hearing was convened in response to the Landlord's Application for Dispute Resolution, in which the Landlord has applied to end the tenancy early, for an Order of Possession, and to recover the fee for filing this Application for Dispute Resolution.

It is readily apparent from the information provided in the details of dispute section of the Application for Dispute Resolution that the Landlord is also seeking an Order of Possession on the basis of a mutual agreement to end the tenancy. I therefore find it appropriate to consider that matter during these proceedings.

The Landlord stated that on August 09, 2015 she personally served the male Tenant, who is an adult, with two copies of the Application for Dispute Resolution and the Notice of Hearing. In the absence of evidence to the contrary, I find that these documents have been served to the male Tenant in accordance with section 89(2)(a) of the *Residential Tenancy Act (Act)* and to the female Tenant in accordance with section 89(2)(c) of the *Act*; however neither Tenant appeared at the hearing.

On August 12, 2015 the Landlord submitted documents to the Residential Tenancy Branch, which the Landlord wishes to rely upon as evidence. The Landlord stated that these documents were personally served to the male Tenant on August 16, 2015. In the absence of evidence to the contrary, I find that these documents have been served in accordance with section 88 of the *Act* and they were accepted as evidence for these proceedings.

On August 27, 2015 the Landlord submitted documents to the Residential Tenancy Branch, which the Landlord wishes to rely upon as evidence. The Landlord stated that these documents were posted on the door of the rental unit on August 28, 2017. In the absence of evidence to the contrary, I find that these documents have been served in accordance with section 88 of the *Act* and they were accepted as evidence for these proceedings.

### Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession?

### Background and Evidence

The Landlord stated that:

- on July 14, 2015 she and both Tenants signed a mutual agreement to end the tenancy on July 31, 2015; and
- the rental unit has not yet been vacated.

A copy of the mutual agreement was submitted in evidence.

### Analysis

On the basis of the undisputed evidence, I find that the Landlord and the Tenants signed a mutual agreement to end the tenancy on July 31, 2015. I therefore find that this tenancy ended on July 31, 2015 pursuant to section 44(1)(c) of the *Act*.

As the Tenants have not vacated the rental unit in accordance with the mutual agreement to end the tenancy, I find that the Landlord is entitled to an Order of Possession, pursuant to section 55(2)(d) of the *Act*.

As I have determined that the Landlord is entitled to an Order of Possession pursuant to section 55(2)(d) of the *Act*, I find that there is no need to determine whether she is also entitled to an Order of Possession pursuant to section 56 of the *Act*.

I find that the Application for Dispute Resolution has merit and that the Landlord is entitled to recover the fee for filing this Application for Dispute Resolution.

### Conclusion

I grant the Landlord an Order of Possession that is effective two days after it is served upon the Tenants. This Order may be served on the Tenants, filed with the Supreme Court of British Columbia, and enforced as an Order of that Court.

I grant the Landlord a monetary Order for \$50.00 in compensation for the cost of filing this Application for Dispute Resolution. In the event that the Tenants do not comply with this Order, it may be served on the Tenants, filed with the Province of British Columbia Small Claims Court and enforced by that Court.

Dated: September 03, 2015

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Residential Tenancy Branch

