



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OP

Introduction

This was a hearing with respect to the landlord's application for an order for possession. The hearing was conducted by conference call. The landlord called in and participated in the hearing. The tenant did not attend.

Issue(s) to be Decided

Is the landlord entitled to an order for possession pursuant to a mutual agreement to end tenancy?

Background and Evidence

On October 20, 2015 the landlord applied for an order for possession. The landlord submitted that the landlord and the tenant signed a mutual agreement to end tenancy whereby it was agreed that the tenant would move out of the rental unit on October 31, 2015.

The landlord did not provide a copy of a written mutual agreement to end tenancy in support of her application. The documents she submitted related to a direct request application by the landlord for an order for possession and a monetary order for unpaid rent.

The landlord also filed an application for dispute resolution through the direct request process. In a decision dated November 30, 2015 she was granted a monetary order for unpaid rent and an order for possession effective two days after service on the tenant.

Analysis

The landlord has not provided documents to establish the existence of a mutual agreement to end tenancy. She has already obtained an order for possession in a separate direct request proceeding. There is no basis for the order claimed in this proceeding and the granting of a second order for possession would be an unnecessary duplication of relief already granted.

Conclusion

The landlord's application in this proceeding is dismissed without leave to reapply.

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: December 17, 2015

Residential Tenancy Branch

