



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      FF, O, OPB

### Introduction

This is an application brought by the Landlord requesting an Order of Possession based on a Mutual Agreement to End Tenancy, and requesting recovery of the filing fee.

Some documentary evidence and written arguments have been submitted by the parties prior to the hearing. I have thoroughly reviewed all relevant submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties

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Both parties were affirmed.

### Issue(s) to be Decided

The issue is whether or not the applicant has established the right to an Order of Possession.

### Background and Evidence

The landlord testified that on April 14, 2016 both he and the tenant signed a mutual agreement to end the tenancy on May 31st 2016.

The landlord further testified that the tenant has failed to comply with that mutual agreement and is still living in the rental unit, and therefore he is requesting an Order of Possession for as soon as possible

The tenant testified that he did sign the mutual agreement to end the tenancy, however he has found it very difficult to find alternate accommodations suitable for his needs, and therefore to date he has not moved.

The tenant further testified that he is not opposed to moving; he is just finding it difficult.

### Analysis

Section 44(1)(c) of the Residential Tenancy Act states:

**44(1)** A tenancy ends only if one or more of the following applies:

(c) the landlord and tenant agree in writing to end the tenancy;

In this case both the landlord and the tenant agree that they signed a mutual agreement to end the tenancy on May 31st 2016, and therefore this tenancy does end pursuant to section 44(1)(c) of the Residential Tenancy Act.

It is my finding therefore that the landlord does have the right to an Order of Possession.

I also allow the landlords request for recovery of the \$100.00 filing fee.

Conclusion

Pursuant to section 55 of the Residential Tenancy Act I have issued an Order of Possession for 1:00 p.m. on June 30, 2016.

Pursuant to section 72 of the Residential Tenancy Act I've issued a monetary order in the amount of \$100.00.

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: June 23, 2016

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Residential Tenancy Branch