



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding RAAMCT'L PROPERTIES CDN LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: 0

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for an order of possession, pursuant to a mutual end to tenancy agreement, entered into by the parties.

The notice of hearing was served on the tenant by registered mail and in person on May 13, 2016. The landlord provided a tracking number and stated that the package was returned to him unclaimed. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions

Issues to be decided

Is the landlord entitled to an order of possession?

Background and Evidence

The landlord testified that the tenancy started in May 2008. The tenants are an older couple. On March 23, 2016, the parties agreed to end the tenancy and signed a termination agreement. According to the agreement the tenant agreed to move out on or before April 30, 2016.

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The landlord testified that the tenant did not move out on the agreed upon date of April 30, 2016 and paid rent for May 2016. The landlord issued a receipt for use and occupancy only. The landlord also stated that sometime in early June 2016 approximately a week before this hearing, a health worker informed him that the tenants were removed to the hospital and are not in a position to continue to live on their own.

Analysis

Based on the undisputed testimony and documentary evidence of the landlord, I find that the tenant had agreed to move out on April 30, 2016. This hearing was conducted on June 09, 2016 and the tenant was still in occupation of the rental unit.

Therefore, I find that the landlord is entitled to an order of possession and pursuant to section 55(2); I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant.

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 09, 2016

Residential Tenancy Branch