



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding VANCOUVER EVICTION SERVICES
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPM

Introduction

The landlord applies for an order of possession pursuant to a mutual agreement to end the tenancy.

Issue(s) to be Decided

Is there an enforceable agreement to end the tenancy?

Background and Evidence

The rental unit is a cabin. There is no written tenancy agreement. The tenant moved in four or five years ago. Due to the poor condition of the cabin the rent was reduced to \$0.00 two or three years ago.

On July 12, 2016 the landlord Ms. S. and the tenant signed a mutual agreement to end the tenancy on "November 31" 2016. Two days later they amended the agreement to "November 30."

The tenant says the landlord sold the property and he's dealing with the new owner or the new owner's representatives to stay at the premises.

Mr. B. attended the hearing. He is the new owner or the new owner's representative. The applicant VES represents him. He says it is a condition of the sale that Ms. S. provides vacant possession. He says the new owner has not made the tenant any offer to stay.

Analysis

The tenant is bound by the mutual agreement to end the tenancy November 30, 2016.

Whether it is the original landlord pursuing this application or her successor in title, either has standing to enforce the agreement. In this case I find that the new owner is a party to this application by its agent VES.

The evidence is not sufficient to show that the tenant has made any agreement to continue in occupation of the premises after November 30. He is free to do so, but at present, he is required to vacate on or before November 30, 2016.

The landlord will have an order accordingly.

There is no claim for any filing fee.

Conclusion

The application is allowed.

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: September 15, 2016

Residential Tenancy Branch