



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ET FF

### Introduction

This hearing convened pursuant to the landlord's application for an early end of tenancy. The landlord called in to the teleconference hearing but the tenant did not.

The landlord submitted evidence to establish that she served the tenant with the application for dispute resolution and notice of hearing by posting the documents to the door of the rental unit in the presence of a witness on August 29, 2016. Section 90 of the Act states that a document is deemed to have been served three days after posting. I found that the tenant was deemed served with notice of the hearing on September 1, 2016, and I proceeded with the hearing in the absence of the tenant.

### Preliminary Issue – Amendment of Application

In the evidence the landlord submitted a copy of a mutual agreement to end tenancy signed by the landlord and the tenant. The landlord also referred to this agreement in the detail of dispute section of her application. I determined that it was appropriate to amend the application to allow the landlord to request an order of possession pursuant to the mutual agreement.

### Issue(s) to be Decided

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

### Background and Evidence

On July 26, 2016, the landlord and the tenant signed a mutual agreement to end the tenancy on August 2, 2016. The landlord stated that the tenant did not and has still not vacated the rental unit.

### Analysis

Under section 55 of the Act, when the landlord and tenant have agreed in writing that the tenancy is ended, then the landlord is entitled to an order of possession. In this case I am satisfied that the landlord and the tenant agreed in writing that the tenancy would end on August 2, 2016, and I grant the landlord an order of possession.

As the landlord's application was successful, she is also entitled to recovery of the \$100.00 filing fee for the cost of her application.

### Conclusion

The landlord's application for an order of possession is successful.

I grant the landlord an order of possession effective two days from service. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

I grant the tenant an order under section 67 for the amount due of \$100.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

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 30, 2016

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Residential Tenancy Branch