



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPM

Introduction

The Application for Dispute Resolution filed by the landlord seeks an Order for Possession based on a mutual agreement to end the tenancy on August 31, 2016.

A hearing was conducted by conference call in the presence of a representative of the applicant and in the absence of the respondent although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the Application for Dispute Resolution/Notice of Hearing was served on the Tenant by mailing, by registered mail to where the Tenant resides on September 16, 2016. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issue to be decided is whether the landlord is entitled to an Order for Possession?

Background and Evidence

The parties entered into a written tenancy agreement that provided that the tenancy would start on January 1, 2016. The rent is subsidized. The rent payable by the tenant is \$510 per month payable in advance on the first day of each month. The tenant paid a security deposit of \$671. The landlord accepted the payment for "use and occupation only."

On August 9, 2016 the parties signed a mutual agreement to end the tenancy on August 31, 2016. The tenant has continued to remain in the rental unit. The rent has been paid including the rent for November 2016.

Analysis - Order of Possession:

I determined the landlord was entitled to an Order for Possession. The parties signed a mutual agreement to end the tenancy on August 31, 2016. The tenant has breached

that agreement and has failed to vacate the rental unit. The tenant has paid the rent. However, it was accepted by the landlord for "use and occupation only." As a result I determined the landlord is entitled to an Order for Possession effective November 30, 2016.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

Conclusion:

I granted an Order for Possession effective November 30, 2016.

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: November 07, 2016

Residential Tenancy Branch