



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding FRASERSIDE COMMUNITY SERVICES SOCIETY AND VANCOUVER  
EVICITION SERVICES  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPM, CNC

This hearing dealt with applications from both the landlord and the tenants under the *Residential Tenancy Act* (the *Act*). The landlord applied for:

- an order of possession pursuant to section 55.

The tenant applied for:

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47.

At the scheduled hearing time the landlord's agent (the landlord) attended the hearing in person and provided undisputed affirmed testimony. The tenant did not attend. The landlord provided undisputed affirmed evidence that the tenant was served with the notice of hearing package and the submitted documentary evidence via Canada Post Registered Mail on November 25, 2016. The landlord provided in support of this claim a copy of the Canada Post Customer Receipt Tracking Number. The landlord confirmed receipt of the tenant's notice of hearing package and the submitted documentary evidence. I accept the undisputed affirmed evidence of the landlord and find that both parties are deemed sufficiently served as per section 90 of the Act.

After waiting 14 minutes past the start of the scheduled hearing time the tenant's application was dismissed without leave to reapply.

The landlord clarified that a mutual agreement had been reached with the tenant to end the tenancy on February 28, 2017. The landlord submitted a copy of signed mutual agreement to end tenancy dated November 21, 2016 in support of this claim. The landlord requested an order of possession to reflect this agreement.

Issue(s) to be Decided

Is the landlord entitled to an order of possession as a result of a mutual agreement to end tenancy?

### Background, Evidence and Analysis

Section 63 of the *Residential Tenancy Act* provides that the parties may attempt to settle their dispute prior or during a hearing. Pursuant to this provision, discussion between the parties during the hearing led to a resolution. Specifically, it was agreed as follows;

Mutual Agreement to End the Tenancy on February 28, 2017 dated November 21, 2016 signed by both the landlord and the tenant.

I accept the undisputed affirmed evidence of the landlord and find that the landlord is entitled to an order of possession based upon the mutual agreement to end tenancy dated November 21, 2016.

### Conclusion

The landlord is granted an order of possession for February 28, 2017.

This order must be served to the tenant. 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.

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: December 15, 2016

---

Residential Tenancy Branch

