



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPM

### Introduction

This hearing dealt with the landlords' application pursuant to the *Residential Tenancy Act* ("Act") for:

- an Order of Possession based on a mutual agreement to end tenancy, pursuant to section 55;

The tenant did not attend this hearing, which lasted approximately 16 minutes. The landlords' agent, SA (the "landlord") attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. SA confirmed that she had authority to represent and make decisions on behalf of the landlords named in this application.

The landlord testified that the tenant was served with the landlords' application for dispute resolution hearing package ("Application") on November 29, 2016 by way of registered mail. The landlord provided a Canada Post receipt and tracking number with this Application. In accordance with sections 89 and 90 of the *Act*, I find that the tenant was deemed served with the landlords' Application on December 3, 2016, five days after its registered mailing.

### Issues to be Decided

Are the landlords entitled to an Order of Possession based on a mutual agreement to end tenancy?

### Background and Evidence

The landlord testified that this tenancy began on November 11, 2015. She noted that monthly rent in the amount of \$500.00 is payable on the 1<sup>st</sup> day of each month. The landlord stated that a security deposit of \$250.00 was paid by the tenant and the

landlord continues to retain this deposit. She confirmed that the tenant continues to have possession of the rental unit. The landlord provided a written tenancy agreement signed by both parties.

The landlord stated that a mutual agreement to end the tenancy was entered into between the parties on October 24, 2016. The landlord provided in their hearing package a copy of a mutual agreement to end tenancy, dated October 24, 2016, and effective at 1:00 p.m. on February 28, 2017 ("mutual agreement"). An examination of the document reveals that both the landlord and tenant signed this mutual agreement. The landlord seeks an order of possession based on this mutual agreement.

### Analysis

The landlord provided undisputed evidence at this hearing, as the tenant did not attend. Based on the landlord's testimony and the mutual agreement to end tenancy signed by both parties and entered into evidence, I find that the landlords are entitled to an Order of Possession effective at 1:00 p.m. on February 28, 2017, pursuant to section 55 of the *Act*.

### Conclusion

I grant an Order of Possession to the landlords effective **at 1:00 p.m. on February 28, 2017**. Should the tenant or anyone on the premises fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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: January 11, 2017

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Residential Tenancy Branch

