



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPM

### Introduction

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

- an Order of Possession for unpaid rent pursuant to section 55;

The tenants did not attend this hearing. The landlord attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

The landlord gave written evidence and sworn oral testimony that copies of the landlord's dispute resolution hearing package were sent to both tenants by registered mail on January 4, 2017. The landlord entered into written evidence copies of the returned envelopes, including the Canada Post Tracking Numbers, showing that his hearing packages sent to the tenants by Registered Mail were received by the tenants on January 5, 2017. In accordance with sections 89 of the *Act*, I am satisfied that both tenants were deemed served with the landlord's dispute resolution hearing packages on January 5, 2017,

### Issues(s) to be Decided

Is the landlord entitled to an Order of Possession based on a Mutual Agreement to End Tenancy?

### Background and Evidence

The tenancy began on or about November 1, 2015. Rent in the amount of \$695.00 is payable in advance on the first day of each month. The landlord testified that the tenants have had trouble paying the rent in full and on time for several months. The landlord testified that on November 12, 2016 the parties came to an agreement that the tenancy would end on December 31, 2016; the parties signed a Mutual Agreement to End Tenancy on that day. The landlord testified that the tenants have not yet moved

out and have not paid any rent for December or January. The landlord testified that he is seeking an order of possession at this time and will consider his options for the unpaid rent at a later date.

### Analysis

The landlord provided documentation to support his position. Based on the undisputed testimony of the landlord, the supporting documentation and in the absence of any disputing testimony or documentary evidence from the tenants, I find that the landlord is granted an Order of Possession pursuant to Section 55(2)(d) of the Act, which must be served on the tenant(s).

### Conclusion

The landlord is granted an order of possession.

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 30, 2017

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Residential Tenancy Branch