



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding COMMUNITY BUILDERS FOUNDATION
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPL

Introduction

This hearing was convened in response to applications by the landlord for Orders of Possession in relation to a series of rental units (joiners), all of the same residential property, pursuant to undisputed Notices to End Tenancy for Landlord's Use of Property (the Notice) dated November 28, 2016.

One group of applications was originally heard on February 01, 2017 and the matters were adjourned and combined with a second group of applications set for hearing on this date: February 27, 2017. In the interim period certain applications within both groups became no longer relevant and one tenant *appears* to have applied for more time to dispute the landlord's Notice, set for hearing March 14, 2017.

I accept the landlord's evidence that despite the tenants having been personally served with the application for dispute resolution and notice of hearing, or, duly notified of this adjourned matter, none of the tenants participated in this conference call hearing. The landlord was given opportunity to be heard, to present relevant evidence and to make submissions.

This proceeding is in respect to the balance of applications currently *not withdrawn* by the landlord by today's date.

Preliminary matters

The landlord notified they were withdrawing their applications for rental units: **208, 214, 215, 217, 303, 305, 311, 313, 408, 420, 422.** As a result, the aforementioned applications are cancelled.

At the outset of the hearing the landlord testified that in the week prior to this hearing all occupants of the residential property, and moreover all the respondents to the landlord's remaining applications, had signed Mutual Agreement to End Tenancy documents with respective effective dates of February 23, 24, or 25, 2017. The landlord provided copies of the Mutual Agreement to End Tenancy documents. The landlord's evidence includes a Mutual Agreement to End Tenancy document mutually signed by the landlord and the sole tenant applying to dispute the landlord's Notice (Rental unit 427 = RC set for March 14, 2017). The landlord testified that all tenants had vacated their respective rental units and had removed all or majority of their personal belongings and the residential property is currently effectively vacant.

The landlord was informed that if the occupants have all vacated, the landlord has regained de-facto possession of all the vacated units and Orders of Possession are not required. None the less the landlord sought Orders of Possession.

Analysis and Conclusion

I find the landlord has provided undisputed evidence establishing that the landlord and the respondents of this proceeding and of future scheduled proceedings respecting the residential property have mutually agreed *in writing* to end the respective tenancies. I find that pursuant to Section 45(1)(d) the tenancies of this matter have ended. As a result I find there is no prejudice to the respective tenants of this matter for the landlord to receive Orders of Possession respecting the rental units.

The landlord is given Orders of Possession in respect to the relevant respondents of this matter. If necessary, the Orders may be filed in the Supreme Court of British Columbia and enforced as Orders of that Court.

This Decision is final and binding on all parties.

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: February 27, 2017

Residential Tenancy Branch