



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPB, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an order of possession, and recover the filing fee.

Both parties appeared, gave testimony, and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions at the hearing

Issue to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The parties agreed that they entered into a mutual agreement to end tenancy issued on November 7, 2016. The parties agreed that the effective date in the mutual agreement has been extended on two occasions, with the last effective date being March 31, 2017.

The tenants testified that they have not been able to find housing.

The landlord testified that they are willing to extend the effective vacancy date one final time to May 31, 2017. However, they want an order of possession effective that date.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

Section 44 of the Act determines how a tenancy ends. In this case the parties agreed to end the tenancy in writing, as they signed a mutual agreement to end the tenancy. The effective vacancy date of the agreement was January 31, 2017; however, that date has been extended by agreement to March 31, 2017.

At the hearing the landlord agreed to one final extension to May 31, 2017, to give the tenants more time to find housing. Therefore, I find the tenancy legally ends on May 31, 2017, in accordance with the Act.

I find that the landlord is entitled to an order of possession, pursuant to section 55 of the Act, effective at **1:00 PM on May 31, 2017**. This order may be filed in the Supreme Court and enforced as an order of that Court.

As the landlord's application had merit, I find the landlord is entitled to recover the filing fee from the tenants. I authorize the landlord to retain the amount of \$100.00 from the tenants' security deposit to satisfy the cost of this award.

Conclusion

The landlord is granted an order of possession, and is authorized to keep \$100.00 from the tenants' security deposit to recover the cost of the filing fee.

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: May 04, 2017

Residential Tenancy Branch