



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 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 44 of the *Act*.

The tenant did not attend this hearing, which lasted approximately 10 minutes. The landlords' agent, S.M. (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.

The landlord testified that the tenant was served with the landlords' application for dispute resolution hearing package ("Application") and evidentiary package on May 12, 2017 by way of registered mail. The landlord provided a Canada Post receipt and tracking number with this Application. In accordance with sections 88, 89 and 90 of the *Act*, I find that the tenant was deemed served with the landlords' Application, and evidentiary package on May 17, 2017, five days after its registered mailing.

Issue(s) 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 January 22, 2015. He explained that monthly rent in the amount of \$830.00 is payable on the 1st day of each month. The landlord stated that a security deposit of \$415.00 was paid by the tenant and the landlord continues to retain this deposit. He 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 two occasions. The first mutual agreement to end tenancy being on May 2, 2017 and ending June 30, 2017, with the second mutual agreement being entered into on June 8, 2017 and ending on July 31, 2017. The landlord provided in their hearing package a copy of the mutual agreement to end tenancy, demonstrating that the tenancy is to end on July 31, 2017, at 1:00 p.m. 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 July 31, 2017, pursuant to sections 44 & 55 of the *Act*.

Conclusion

I grant an Order of Possession to the landlords effective at 1:00 p.m. on July 31, 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: June 20, 2017

Residential Tenancy Branch