



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPM, FF

Introduction

This matter dealt with an application by the Landlord for an Order of Possession and to recover the filing fee.

The Landlord said he served the Tenant with the Application and Notice of Hearing (the “hearing package”) by personal delivery June 2, 2017. Based on the evidence of the Landlord, I find that the Tenant was served with the Landlord’s hearing package as required by s. 89 of the Act and the hearing proceeded in the Tenant’s absence.

Issues(s) to be Decided

1. Does the Landlord have grounds to end the tenancy?

Background and Evidence

This tenancy started when the Landlord purchased the property on May 17, 2017. The purchase agreement stated the property was to be vacant possession but the Tenant did not move out. On May 19, 2017 the Landlord and the Tenant signed a Mutual Agreement to End the Tenancy with an effective vacancy date of May 31, 2017. The Tenant did not move out and the Landlord has now made an application for an Order to Possession to gain possession of the rental unit. Further the Landlord said the Police have been involved and the Tenant has moved out but the Landlord is concerned that the Tenant will come back so he is requesting an Order of Possession.

Further the Landlord said he is withdrawing his request to recover the filing fee.

Analysis

Section 44(c) of the Act states a tenancy may end if the landlord and tenant agree in writing to end the tenancy. The Mutual Agreement to End the Tenancy dated May 19, 2017 states the tenancy ended on May 31, 2017 and is signed by both parties. I accept the Landlord's testimony and evidence that the tenancy ended May 31, 2017. Consequently, I award the Landlord an Order of Possession effective 2 days after service of the Order on the Tenant.

Conclusion

An Order of Possession effective 2 days after service of it on the Tenant has been issued to the Landlord. A copy of the Order must be served on the Tenant: the Order of Possession may be enforced in 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 28, 2017

Residential Tenancy Branch