



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding VANCOUVER EVICTION SERVICES
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPM

Introduction

This hearing was convened by conference call in response to the Landlords' Application for Dispute Resolution (the "Application") requesting an Order of Possession to end the tenancy pursuant to a mutual agreement signed by the parties to end the tenancy.

An agent for the Landlords appeared for the hearing and provided affirmed testimony as well as documentary evidence. However, there was no appearance for the Tenant during the eight minute hearing or any submission of rebuttal evidence.

The Landlords' agent testified that each of the Tenants was served separately with the Application and the Hearing Package on June 25, 2017 by registered mail sent to the rental unit. The Landlords provided a copy of the Canada Post tracking numbers into evidence to verify service to both Tenants. The Canada Post website shows that the documents were received and signed for by the Tenants on June 29, 2017. Based on the undisputed evidence before me, I find both Tenants were served pursuant to Section 89(1) (c) of the *Residential Tenancy Act* (the "Act"). The hearing continued to hear the undisputed evidence of the Landlords.

Issue(s) to be Decided

Are the Landlords entitled to an Order of Possession to end tenancy on March 31, 2018?

Background and Evidence

The Landlord's agent testified that this tenancy started on December 1, 2010 on a month to month basis. Rent of \$946.00 is payable on the first day of each month. The Landlords' agent testified that on May 18, 2017 the Landlord and the Tenant signed a mutual agreement to end the tenancy. The mutual agreement document was provided into evidence and shows an end date for the tenancy of March 31, 2018 at 1:00 p.m.

The Landlords now request an Order of Possession effective for the end date of the tenancy as agreed to by the Landlords and the Tenant.

Analysis

Section 44 of the Act stipulates how a tenancy ends. In particular, Section 44(1) (c) of the Act states that a tenancy ends if a landlord and tenant agree in writing to end the tenancy.

In this case, I accept the undisputed evidence of the Landlord that the parties have entered into an agreement in writing to end the tenancy on March 31, 2018.

Section 55(2) (d) of the Act provides that a landlord may apply for an Order of Possession of a rental unit if the landlord and tenant have agreed in writing to end the tenancy.

Accordingly, as I am satisfied that the parties have ended the tenancy pursuant to the Act, I grant the Landlords' request for an Order of Possession which is effective for the agreed end date of March 31, 2018 at 1:00 p.m. The Landlords must serve this order to the Tenant and may then enforce the order through the Supreme Court of British Columbia if the Tenant fails to vacate the rental unit on March 31, 2018. Copies of the order are attached to the Landlords' copy of this Decision.

However, it should be noted that as this is a periodic tenancy, the Tenant may end the tenancy earlier by giving one month notice pursuant to Section 45(1) of the Act or by again obtaining the written consent of the Landlords through mutual agreement.

Conclusion

The Landlords' Application for an Order of Possession to end the tenancy at 1:00 p.m. on March 31, 2018 is granted as the parties have mutually agreed in writing to end the tenancy on this date and time. This Decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: August 24, 2017

Residential Tenancy Branch