



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 for this proceeding.

The Landlord said he served the Tenant with the Application and Notice of Hearing (the "hearing package") by registered mail on July 18, 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 on August 31, 2016 as a 1 year fixed term tenancy with an expiry date of August 31, 2017 and then continued on a month to month basis. Rent is \$850.00 per month payable on the 1st day of each month. The Tenant did not pay a security deposit.

The Landlord said that he and the Tenant agreed to and signed a Mutual Agreement to End the Tenancy date August 31, 2017 with an effective vacancy date of August 31, 2017. The Landlord continued to say the Tenant has not moved out and he is requesting an Order of Possession for as soon as possible and a monetary order for \$100.00 to recover the filing fee for this application from the Tenant.

Analysis

Section 44(c) of the Act states that a tenancy may be ended if the landlord and the tenant agree in writing to end a tenancy.

The Landlord has submitted a Mutual Agreement to End Tenancy dated August 31, 2017 signed by both the Landlord and the Tenant. The effective vacancy date on the agreement is August 31, 2017.

Consequently, I find that the Tenant and the Landlord have agreed in writing to end the tenancy and therefore the Landlord is entitled to an Order of Possession effective two days after service of the Order on the Tenant as the effective vacancy date of the Mutual Agreement to end the tenancy is well past.

As the Landlord has been successful in this matter, he is also entitled to recover from the Tenant the \$100.00 filing fee for this proceeding. I grant the Landlord a monetary order for \$100.00.

Conclusion

An Order of Possession effective 2 days after service of it on the Tenant and a Monetary Order in the amount of \$100.00 have been issued to the Landlord. A copy of the Orders must be served on the Tenant: the Order of Possession may be enforced in the Supreme Court of British Columbia and the Monetary Order may be enforced in the Provincial (Small Claims) 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: September 26, 2017

Residential Tenancy Branch