



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPL, OPM, FF

Introduction

This hearing was convened in response to the Landlords' Application for Dispute Resolution, in which the Landlords applied for an Order of Possession and to recover the fee for filing this Application for Dispute Resolution.

The male Landlord stated that on August 02, 2017 the Application for Dispute Resolution, the Notice of Hearing and documents the Landlords submitted with the Application for Dispute Resolution were sent to the Tenant at the rental unit, via registered mail. The Landlords submitted Canada Post documentation that corroborates this statement. In the absence of evidence to the contrary I find that these documents have been served in accordance with section 89 of the *Residential Tenancy Act (Act)*; however the Tenant did not appear at the hearing.

Issue(s) to be Decided

Are the Landlords entitled to an Order of Possession?

Background and Evidence

The male Landlord stated that:

- this tenancy began on March 01, 2016;
- the Tenant agreed to pay monthly rent of \$850.00 by the first day of each month;
- the Tenant and the male Landlord signed a mutual agreement to end the tenancy, in which the parties agreed to end the tenancy on July 01, 2017; and
- the Tenant has not vacated the rental unit.

The Landlords submitted a copy of the mutual agreement to end tenancy, which appears to be signed by both parties.

Analysis

On the basis of the undisputed evidence, I find that the male Landlord and the Tenant mutually agreed to end the tenancy, in writing, on July 31, 2017.

On the basis of the undisputed evidence, I find that the Tenant has not vacated the rental unit and I therefore find that the Landlords are entitled to an Order of Possession pursuant to section 55(2)(d) of the *Act*.

I find that the Landlords' application has merit and that the Landlords are entitled to recover the cost of filing this Application for Dispute Resolution.

Conclusion

I grant the Landlords an Order of Possession that is effective two days after it is served upon the Tenant. *This Order may be served on the Tenant*, filed with the Supreme Court of British Columbia, and enforced as an Order of that Court.

The Landlords have established a monetary claim, in the amount of \$100.00, in compensation for the fee paid to file this Application for Dispute Resolution. Based on these determinations I grant the Landlords a monetary Order for \$100.00. In the event the Tenant does not comply with this Order, it may be served on the Tenant, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

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: October 24, 2017

Residential Tenancy Branch