



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CBT HOLDINGS LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC, OPM

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an order of possession.

The landlord's agent attended the hearing. As the tenant did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered.

The Residential Tenancy Branch Rules of Procedure states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The landlord's agent testified the Application for Dispute Resolution and Notice of Hearing were sent by registered mail on October 20, 2017, a Canada post tracking number was provided as evidence of service.

Section 90 of the Act determines that a document served in this manner is deemed to have been served five days later. I find that the tenant has been duly served in accordance with the Act.

The landlord's agent testified that the Amended Application seeking an order of possession based on a mutual agreement to end the tenancy was served on the tenant on November 28, 2017, in person.

The landlord's agent testified that they are not seeking an order of possession based on cause.

Issue to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The landlord's agent testified that the parties entered into a mutual agreement to end the tenancy on January 31, 2018, at 1:00pm. The agent stated that they seek an order of possession should the tenant fail to vacate as agreed upon. Filed in evidence is a copy of the mutual agreement to end the tenancy.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

Under section 44 (1)(c) of the Act a tenancy ends if the landlord and tenant agree in writing to end the tenancy.

On November 21, 2017, both parties agreed to end the tenancy in writing by mutual agreement. The effective vacancy date is January 31, 2018, at 1:00pm.

I find the tenancy legally ends on January 31, 2018. Therefore, I find the landlord is entitled to an order of possession effective on the above noted date. A copy of this order must be served on the tenant.

Conclusion

The landlord is entitled to an order of possession, effective at 1:00 pm on January 31, 2018.

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: January 04, 2018

Residential Tenancy Branch