



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Decision Codes: OPM

### **Introduction**

The Application for Dispute Resolution filed by the landlord seeks an Order of Possession based on a mutual agreement to end the tenancy dated May 1, 2018 and setting the end of tenancy for May 31, 2018.

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

On June 28, 2018 the parties appeared before another arbitrator pursuant to an application filed by the Tenants. One of the issues that before the arbitrator was whether the mutual agreement to end the tenancy on May 31, 2018 was valid. The arbitrator dismissed the Tenant's application in its entirety, determined the mutual agreement was valid and granted an Order of Possession effective on 2 days notice.

The tenants testified they have not been served with this decision and order. However once served they stated they intend to file an Application for Review.

### **Decision and Order:**

The landlord stated that as they already have an Order of Possession they wished to withdraw this application. As a result I ordered that the application of the landlord be dismissed as withdrawn. The landlord has leave to re-apply.

**This decision is final and binding on the parties.**

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: July 09, 2018

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Residential Tenancy Branch