



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 1117642 BC LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPM

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* ("the *Act*") for an Order of Possession for a mutual agreement to end the tenancy, pursuant to section 55.

The landlord's agent, SA ('landlord'), represented the landlord in this hearing, and had full authority to do so. Both parties were given a full opportunity to be heard, to present their sworn testimony, to call witnesses, and to make submissions.

The tenant confirmed receipt of the landlord's application for dispute resolution hearing and evidence. In accordance with sections 88 and 89 of the *Act*, I find that the tenant duly served with the landlord's application and evidence. The tenant did not submit any written evidence for this hearing.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession pursuant to section 55 of the *Act*?

Background and Evidence

This tenancy began some time in 2003 or 2004, with monthly rent currently set at \$1,000.00, payable on the first day of each month. The tenant testified that the home is currently being sublet to tenants, and he does not reside there.

The tenant does not dispute that a Mutual Agreement was signed on November 30, 2018 for this tenancy to end on the effective date of January 31, 2019 at 1:00 p.m. The landlord is seeking an Order of Possession pursuant to that Mutual Agreement.

Analysis

I find the Mutual Agreement submitted in the landlord's evidence to be valid as it is signed by both parties. I accept the undisputed testimony that both parties had mutually agreed to end this tenancy on the effective date of January 31, 2019.

As the effective date has passed, I find that the landlord is entitled to a 2 day Order of Possession. The landlord will be given a formal Order of Possession which must be served on the tenant. If the tenant or any occupants do not vacate the rental unit within the 2 days required, the landlord may enforce this Order in the Supreme Court of British Columbia.

Conclusion

I grant an Order of Possession to the landlord effective **two (2) days after service on the tenant**. Should the tenant or anyone on the premises fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme 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: February 22, 2019

Residential Tenancy Branch