



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPM

Introduction

This hearing was scheduled in response to the landlord's application pursuant to the *Residential Tenancy Act* (the "*Act*") for:

- an order of possession on the basis of a signed Mutual Agreement to End Tenancy ("Mutual Agreement") pursuant to section 55.

The tenant and the landlord's agent (the "landlord") attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The landlord confirmed she was an agent and had authority to speak on behalf of the landlord's company named in this application.

At the outset of the hearing, each party confirmed that they had received the other party's evidence. As neither party raised any issues regarding service of the application or the evidence, I find that both parties were duly served with these documents in accordance with sections 88 and 89 of the *Act*.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

As per the testimony of the parties, the tenancy began approximately ten years ago. Rent in the amount of \$1,600.00 is payable on the first of each month. The tenant remitted a security deposit at the start of the tenancy, which the landlord still retains in trust.

The parties agreed that on December 6, 2016 a Mutual Agreement was signed by the landlord and tenant. This form indicates the parties agreed to end the tenancy effective January 31, 2019. The landlord provided a copy of the signed form.

Analysis

Section 44 of the *Act* establishes that a tenancy may end if the landlord and tenant agree in writing to end the tenancy. The tenant and landlord agreed in writing that the tenancy would end on or before January 31, 2019. The landlord was entitled to possession of the rental unit on that date. As that has not occurred, the landlord is entitled to a two-day order of possession for the rental unit.

Conclusion

I grant an order of possession to the landlord effective **two (2) days after service on the tenant**.

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: March 04, 2019

Residential Tenancy Branch