



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPM

This hearing dealt with an Application for Dispute Resolution by the landlord for an order of possession based on a mutual agreement to end the tenancy.

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

The Residential Tenancy Branch Rules of Procedure states that each 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 served on AM, in person. I find the tenant AM has been duly served in accordance with the Act.

The landlord's agent testified the Application for Dispute Resolution and Notice of Hearing were served on DS, by registered mail, sent on January 25, 2019. The Canada post tracking number was provided as evidence. Section 90 of the Act determines that a document served in this manner is deemed to have been served, three five days later. I find that the tenants have been duly served in accordance with the Act.

The landlord's agent, gave testimony and was provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions at the hearing.

Issue to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The landlord's agent testified that they entered into a mutual agreement to end the tenancy effective February 28, 2019. The agent stated that they are hopeful that they can continue the tenancy subject to the tenants having unauthorized people living on the property removed, and a few other issues. The landlord seeks an order of possession, should they not come to an agreeable solution. Filed in evidence are copies of the mutual agreements to end the tenancy.

Analysis

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

In this matter, the tenants have signed a mutual agreement to end the tenancy, with an effective date of February 28, 2019. I find the tenancy has legally ended and the tenants are overhold the premises as occupants.

I find that the landlord is entitled to an order of possession, pursuant to section 55 of the Act, effective **two days** after service on the tenant. This order may be filed in the Supreme Court and enforced as an order of that Court. The **tenants are cautioned** that costs of such enforcement are recoverable from the tenants.

The landlord in this matter, may allow the tenancy continue if certain conditions are met. I recommend to the tenants that if they want to preserve any tenancy, it would be in their best interest to come to an agreement with the landlord, if one is presented.

Conclusion

The tenants entered in to a mutual agreement to end the tenancy, effective February 28, 2019. The tenancy has legally ended and the tenants are overhold the premise as an occupant. The landlord is granted an order of possession,

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 11, 2019

Residential Tenancy Branch