



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPM, FF

Introduction

The landlords apply for an order of possession pursuant to a mutual agreement to end the tenancy.

The respondent tenant did not attend the hearing within thirty five minutes after its scheduled start time at 11:00 on May 9, 2019. The teleconference hearing connection remained open during that time in order to enable the parties to call into the teleconference hearing. The call-in numbers and participant codes provided in the Notice of Hearing were confirmed as correct. The teleconference system audio console confirmed that the landlords' agent their witnesses and this arbitrator were the only ones who had called into this teleconference during that period.

Ms. C. testifies that the tenant was served with the Notice of Dispute Resolution Proceeding by registered mail (Canada Post tracking number shown on cover page of this decision). Canada Post records show that the mail was delivered and signed for by the tenant on April 4, 2019. I find that the tenant has been duly served.

Issue(s) to be Decided

Has this tenancy been ended by mutual agreement?

Background and Evidence

The landlord's agent demonstrates that the tenant signed a mutual agreement to end this tenancy and then a three month extension of that end, to February 28, 2019.

She says the tenant did not vacate the premises February 28, 2019 or since.

Analysis

On the landlords' agent's undisputed testimony I find that this tenancy ended by mutual agreement on February 28, 2019 and that the landlords' are entitled to an order of possession.

The tenant has been paying occupation rent including for the month of May. The order of possession will therefore be effective May 31, 2019.

The landlords' agent presented two witnesses regarding noise or disturbance emanating from the rental unit but that issue is not relevant to the claim raised in the application.

Conclusion

The application is allowed. The landlord will have an order of possession effective at one o'clock p.m. on May 31, 2019. I award the landlords recover of the \$100.00 filing fee for this application and, with the agreement of Ms. C. I authorize the landlords to recover it from the \$470.00 security deposit they hold.

This decision was rendered orally at hearing and 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: May 09, 2019

Residential Tenancy Branch