



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute codes OPM CNC

Introduction

This hearing was convened in response to cross-applications by the parties pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

Landlord:

- an order of possession based on a mutual agreement to end tenancy pursuant to section 55;

Tenant:

- cancellation of the landlord’s One Month Notice to End Tenancy for Cause (the One Month Notice) pursuant to section 47;

The hearing was conducted by conference call. All named parties attended the hearing and were given a full opportunity to provide affirmed testimony, to present evidence and to make submissions. No issues were raised with respect to the service of the respective applications.

Issues

Is the landlord entitled to an order of possession?

Background and Evidence

The tenancy began approximately one year ago and the current monthly rent is \$750.00 payable on the 1st day of each month.

The landlord served the tenants with a One Month Notice on May 5, 2019. Subsequently, on May 12, 2019 the parties entered into a mutual agreement to end the

tenancy effective July 31, 2019. A copy of the signed Mutual Agreement to End Tenancy was submitted as evidence. The tenants confirmed signing this agreement.

Analysis

Pursuant to section 44(1)(c) of the Act, a tenancy ends if the landlord and tenant agree in writing to end the tenancy. Pursuant to section 55(2)(d) of the Act, a landlord may request an order of possession of a rental unit if the landlord and tenant have agreed in writing that the tenancy will end.

The tenant and landlord agreed in writing that the tenancy would end on July 31, 2019. The landlord is entitled to possession of the rental unit effective this date.

The landlord is granted an Order of Possession pursuant to section 55 of the Act.

Conclusion

I grant an Order of Possession to the landlord effective **July 31, 2019**. Should the tenant(s) 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: June 20, 2019

Residential Tenancy Branch