



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC OPM

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the "Act") for an order of possession pursuant to section 55.

Both parties were represented at the hearing and were given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses. The landlord was represented by their agent (the "landlord").

As both parties were present service of documents was confirmed. The tenants confirmed receipt of the landlord's application, amendment and evidence and said they had not provided any materials. Based on the testimony I find the tenants were served 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

This periodic tenancy began in 2015. The tenants have signed two Mutual Agreements to End Tenancy, in July and August, 2019. The Mutual Agreement of July 27, 2019 provides that the tenancy ends on July 31, 2019. The Mutual Agreement of August 7, 2019 provides that the tenancy ends on August 12, 2019. The tenants confirm that they signed both Mutual Agreements and have not yet vacated the rental unit.

Analysis

I find that the tenant and landlord agreed in writing to end the tenancy in the two Mutual Agreements in accordance with section 44(1)(c) of the Act. The Mutual Agreements provide the address of the rental unit and the date on which the tenancy ends. The tenants gave evidence that they understood the nature and content of the agreements they signed ending the tenancy.

Section 55(2)(d) provides that a landlord may request an order of possession when the landlord and tenant have agreed in writing that the tenancy is ended. I find that the Mutual Agreement dated August 7, 2019 is a valid agreement in writing and that the landlord is therefore entitled to an Order of Possession. As the effective date of the Mutual Agreement has passed I issue an Order of Possession enforceable 2 days after service.

Conclusion

I grant an Order of Possession to the landlord effective **2 days after service on the tenants**. Should the tenants or any occupant 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: October 1, 2019

Residential Tenancy Branch