



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes 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.

The tenant did not attend this hearing. The landlord and their legal counsel attended the hearing and were given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses. The landlord gave written evidence and sworn oral testimony that copies of the landlord's dispute resolution hearing package was sent to the tenant by registered mail on August 11, 2019 to the tenant and her case manager from the office of the Public Guardian and Trustee. Based on the documentation before me, I find that the landlord acted in accordance with section 89 the *Act*, I am satisfied that the tenant and her case worker was served with the landlord's dispute resolution hearing package.

Issues(s) to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

The landlord gave the following undisputed testimony. The tenancy began on or about March 11, 2019 with a monthly rent of \$1350.00 payable on the first of each month. The tenant falsely represented that she would be living in the unit, when in fact it was her son who was living there. When the case worker became aware of this he immediately notified the landlord and ended the tenancy on behalf of the tenant. The landlord and the case worker agreed to and signed a Mutual Agreement to End Tenancy on July 16,

2019 with an effective date of July 31, 2019. The tenants' son has not moved out and has refused to do so and has not paid rent from August 1, 2019 up to and including today. The landlord requests an order of possession.

Analysis

Section 55(2)(d) of the Act clearly addresses the issue before me as follows:

Order of possession for the landlord

55 (2) A landlord may request an order of possession of a rental unit in any of the following circumstances by making an application for dispute resolution:

(d) the landlord and tenant have agreed in writing that the tenancy is ended.

Based on the above, the documentation before me, the undisputed testimony of the landlord and in the absence of any disputing evidence from the tenant, I hereby grant the landlord an order of possession pursuant to section 55 of the Act.

Conclusion

The landlord is granted an order of possession. The tenancy is terminated.

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 01, 2019

Residential Tenancy Branch