



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute codes OPM OPC

### Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- an order of possession based on a mutual agreement to end tenancy pursuant to section 55; and,
- an order of possession for cause pursuant to section 55.

The hearing was conducted by conference call. The tenant did not attend this hearing, although I waited until 1:45 p.m. to enable the tenant to connect with this teleconference hearing scheduled for 1:30 p.m. The landlord attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions.

The landlord testified that on September 7, 2019, he personally served the tenant with a copy of the Application for Dispute Resolution, Notice of Hearing and supporting evidence.

Based on the above evidence, I am satisfied that the tenant was personally served with the Application for Dispute Resolution and Notice of Dispute Resolution Hearing pursuant to section 89 of the Act. The hearing proceeded in the absence of the tenant.

### Issues

Is the landlord entitled to an order of possession?

### Background and Evidence

The tenancy for this two bedroom rental unit began in April 2014. The current monthly rent is \$840.00 payable on the 1<sup>st</sup> day of each month.

The landlord testified that on August 25, 2019 the parties entered into a mutual agreement to end the tenancy by which the tenant agreed to vacate the rental unit effective September 30, 2019. A copy of the signed agreement to end tenancy was submitted as evidence by the landlord.

The landlord testified the tenant has not vacated the rental unit as per the 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 has ended.

The tenant and landlord agreed in writing that the tenancy would end on September 30, 2019. The landlord was 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.

As the landlord has been granted an order of possession based upon a mutual agreement to end tenancy, I make no findings on the landlord's application for an order of possession based on cause.

### Conclusion

I grant an Order of Possession to the landlord effective **two days after service of this Order** on the tenant. 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: October 03, 2019

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Residential Tenancy Branch