



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding City of Surrey
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR

Introduction

This hearing was reconvened from a direct request proceeding to consider the Landlord's application for dispute resolution made by the Landlord pursuant to the *Residential Tenancy Act* (the "Act") for Orders as follows:

1. An Order of Possession - Section 55; and
2. A Monetary Order for unpaid rent - Section 67.

I accept the Landlord's evidence that the Tenant was served with the notice of reconvened hearing, the Interim Decision and all other required document by registered mail on December 26, 2019 to the Tenant's residence in accordance with Section 89 of the Act. The Tenant did not participate in the conference call hearing. The Landlord was given full opportunity to be heard, to present evidence and to make submissions.

The Landlord withdraws its claim for unpaid rent.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Background and Evidence

The tenancy under written agreement started on September 1, 2019. Prior to this tenancy the Tenant and a 3rd party were under a tenancy agreement together for the rental unit and the new agreement was entered into when the 3rd party moved out of the

unit. Rent of \$2,600.00 is payable on the first day of each month. No security deposit was collected. The Parties entered into a mutual agreement to end the tenancy for October 31, 2019. The Landlord provides a copy of that mutual agreement. The Tenant moved out of the unit on October 31, 2019 and left an occupant remaining in the unit. The occupant has refused to move out of the unit and no rents have been paid by the Tenant since moving out of the unit. On November 18, 2019 the Landlord served the Tenant in person with a 10 day notice to end tenancy for unpaid rent (the "Notice"). A copy of that Notice is provided as evidence. The Tenant did not dispute that Notice. The Landlord claims an order of possession.

Analysis

Section 55(2)(b) and (d) of the Act provides that a landlord may request an order of possession of a rental unit by making an application for dispute resolution where

- a notice to end the tenancy has been given by the landlord, the tenant has not disputed the notice by making an application for dispute resolution and the time for making that application has expired; or
- the landlord and tenant have agreed in writing that the tenancy is ended.

Given the undisputed evidence of the mutual agreement to end the tenancy between the Parties and on the undisputed evidence that the Tenant did not dispute the Notice within the time allowed I find that the Landlord is entitled to an order of possession.

Conclusion

I grant an Order of Possession to the Landlord. The Tenant must be served with this **Order of Possession**. Should the Tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: February 07, 2020

Residential Tenancy Branch