



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **OPM, FFL**

Introduction

This hearing dealt with an application by the landlord under the *Residential Tenancy Act* (the *Act*) for the following:

- An order of possession under a Mutual Agreement to End Tenancy ("Mutual Agreement") pursuant to section 55;
- Authorization to recover the filing fee for this application pursuant to section 72.

NG attended for the landlords ("the landlords"). The tenants attended with the lawyer DD ("the tenants"). No issues of service were raised. Each party had the opportunity to submit affirmed testimony, call witnesses and submit documentary evidence.

Preliminary Issue

The parties agreed that the landlord had been issued an Order of Possession on April 22, 2020 in a Decision entered under a file referenced on the first page. The Order of Possession required the tenants to vacate the unit and deliver possession to the landlord not later than 1:00 pm April 30, 2020.

Section 44 of the Act sets out how a tenancy ends. The section states in part:

44 How a tenancy ends

- 1) *A tenancy ends only if one or more of the following applies:*

...

(f) the director orders that the tenancy is ended; (emphasis added)

I have reviewed the decision of the previous arbitrator and I am satisfied the tenancy ended on April 30, 2020 in accordance with section 44(1)(f).

As the tenancy has already ended, I have no jurisdiction to contemplate an application to end a tenancy pursuant to a Mutual Agreement to End Tenancy.

For this reason, the landlord's application is dismissed without leave to reapply.

Conclusion

The landlord's application is dismissed without leave to reapply.

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: May 13, 2020

Residential Tenancy Branch