



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the "Act") for an order for an early termination of tenancy and an Order of Possession for an immediate and severe risk pursuant to section 56.

The landlord attended the hearing, none of the tenants did. The landlord testified that she personally served the tenant WE with the Notice of Expedited Hearing on August 11, 2020. The tenant, JB was not required to be served because he mutually agreed to end the tenancy. The third tenant, DS was presently incarcerated and could not be served.

Preliminary Issue – Mutual Agreement to End the Tenancy

The landlord included in her evidence package a copy of a mutual agreement to End Tenancy signed on August 9, 2020 by one of the tenants agreeing to vacate the premises at 6:00 p.m. on August 11, 2020. The landlord also signed the form.

In accordance with section 44(1)(c) of the Residential Tenancy Act, I find the tenancy ended at 6:00 p.m. on August 11, 2020. Residential Tenancy Branch Policy Guideline PG-13 [Rights and Responsibilities of Co-tenants] states:

ENDING A TENANCY

A tenant can end a tenancy by giving the landlord a written notice. A tenancy may also end if the landlord and any tenant or co-tenant mutually agree in writing to end the tenancy. When a tenancy ends in these circumstances, the notice or agreement to end the tenancy applies to all co-tenants.

As the tenancy with all co-tenants ended on August 11, 2020, the landlord's application for an early end to tenancy is dismissed without leave to reapply.

Conclusion

This tenancy ended on August 11, 2020 at 6:00 p.m. The landlord's application for an early end to tenancy pursuant to section 56 of the Act 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: August 21, 2020

Residential Tenancy Branch