



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 based on a mutual agreement pursuant to section 55(2)(d);

The tenant did not attend this hearing. The landlord's agent attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses. The agent 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 July 24, 2020. The agent entered into written evidence copies of the tracking slips, including the Canada Post Tracking Number, showing that the tenant was served with the Notice of Hearing documents, the application and the documentary evidence on July 27, 2020. In accordance with section 89 the *Act*, I am satisfied that the tenant was served with the landlord's dispute resolution hearing package.

Issues(s) to be Decided

Is the landlord entitled to an Order of Possession pursuant to the Mutual Agreement to End Tenancy?

Issue(s) to be Decided

The agent gave the following undisputed testimony. The tenancy began on December 27, 2015. The current monthly rent of \$1200.00 per month is payable on the first of each month. The landlord and the tenant agreed in writing that the tenancy is to end by no later than 1:00 p.m. on September 30, 2020. The landlord seeks an order of possession

as the tenant's son has made some comments that he would not give up possession of the unit despite him not being a tenant or part of this tenancy.

Analysis

Section 55 of the Act 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:

(a)a notice to end the tenancy has been given by the tenant;

(b)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;

(c)the tenancy agreement is a fixed term tenancy agreement that, in circumstances prescribed under section 97 (2) (a.1), requires the tenant to vacate the rental unit at the end of the term;

(c.1)the tenancy agreement is a sublease agreement;

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

The landlord has provided documentary evidence to support their position, accordingly; I find that the landlord is entitled to an order of possession pursuant to section 55(2)(a) of the Act and that it takes effect at 1:00 p.m. on September 30, 2020.

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: August 27, 2020

Residential Tenancy Branch