



# 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 an Application for Dispute Resolution by the landlords for an order of possession based on a mutual agreement to end the tenancy.

Both parties appeared, gave affirmed testimony, and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions at the hearing

### Issue to be Decided

Are the landlords entitled to an order of possession?

### Background and Evidence

The tenancy began on April 1, 2018. Rent in the amount of \$2,000.00 was payable on the first of each month. A security deposit of \$1,000.00 was paid by the tenant.

The parties agreed they entered in to a mutual agreement to end the tenancy, effective July 31, 2020. A copy was filed in evidence.

The tenant stated that they have not vacated as they are having difficulties finding suitable accommodations. The tenant stated they have not paid any rent for August, even at the reduced rate agreed upon.

### Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

Section 44 (1) of the Act defines how a tenancy ends. Section 44(1) (c) of the Act states a tenancy ends when the landlord and tenant agree in writing to end the tenancy.

In this case, the parties entered in to a mutual agreement to end the tenancy, which is signed and dated by both parties. I find the tenancy legally ended on the date specified in the agreement, which was July 31, 2020. I find the tenant is overholding the rental unit as an occupant. The tenant has not paid occupancy rent for the month of August 2020.

Therefore, I find that the landlords are entitled to an order of possession, pursuant to section 55 of the Act, effective **two days** after service on the tenant. This order may be filed in the Supreme Court and enforced as an order of that Court. The **tenant is cautioned** that costs of such enforcement are recoverable from the tenant.

### Conclusion

The landlords are granted an order of possession.

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 28, 2020

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Residential Tenancy Branch