



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Parkbridge Lifestyle Communities
Inc and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPM, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an order of possession and to recover the cost of the filing fee.

Both parties appeared, gave 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

Is the landlord entitled to an order of possession?

Background and Evidence

The tenancy began on April 28, 2020. Rent in the amount of \$968.39.00 was payable on the first of each month.

On August 27th, 2020 the parties entered into a mutual agreement to end the tenancy effective October 31, 2020. Filed in evidence is a copy of the agreement.

The advocate for the landlord stated that the tenants have failed to vacate the site and seek an order of possession.

The tenant stated that they listed their home for sale; however, they have only had one interested buyer. The tenant stated that there is a current contract for purchase and the potential new buyer has yet to get the financing.

Analysis

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

Under section 37(1)(c) of the Act, states a tenancy ends if the landlord and tenant agree in writing to end the tenancy.

In this case, the parties agreed in a mutual agreement that the tenancy would end on October 31, 2020. I find the tenancy legally ended on October 31, 2020 and the tenants are now overholding the site.

As the tenancy legally ended, I find the landlord is entitled to an order of possession, pursuant to section 48 of the Act, effective **two days** after service on the tenants.

While the premise is currently under a contract for sale, which I note the condition of sale have not been satisfied, it will be up to the landlord as to whether they enforce the order of possession. The tenant is advised that they should ensure that they keep the landlord updated on progress of the current sales contract.

Since the landlord has been successful with their application, I find the landlord is entitled to recover the cost of filing their application from the tenants. Therefore, I grant the landlord a monetary order in the amount of **\$100.00**. The **tenants are cautioned** that costs of such enforcement are recoverable from the tenants.

Conclusion

The landlord is granted an order of possession and a monetary order.

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

Dated: January 12, 2021

Residential Tenancy Branch