



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes For the tenant: CNC, LRE, PSF, LAT, OLC
For the landlord: OPR-DR, OPRM-DR

Introduction

This hearing was convened as the result of the separate and unrelated applications of the parties for dispute resolution seeking remedy under the Residential Tenancy Act (Act).

The tenants applied for the following:

- an order cancelling the One Month Notice to End Tenancy for Cause (Notice) issued by the landlord;
- an order suspending or setting conditions on the landlord's right to enter the rental unit;
- an order requiring the landlord to provide for services or facilities required by the tenancy agreement or the Act;
- authorization to change the locks to the rental unit; and
- an order requiring the landlord to comply with the Act, regulations, or tenancy agreement.

The landlords applied for the following:

- an order of possession of the rental unit pursuant to a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (10 Day Notice) served to the tenants; and
- a monetary order for unpaid rent.

The landlords' dispute began as an application via the non-participatory, ex-parte Direct Request process and was adjourned to a participatory hearing based on the Interim

Decision by an adjudicator with the Residential Tenancy Branch (RTB), dated February 1, 2021, which should be read in conjunction with this decision.

At the participatory hearing, the landlords' legal counsel (counsel) attended the teleconference hearing. The tenants did not attend the hearing.

As the tenants did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (Notice of Hearing), application and documentary evidence was considered.

Counsel submitted that the tenants were served the Notice of Reconvened Hearing, the interim decision, and all other required documents by personal service on February 2, 2021.

The landlords submitted that they originally served the Notice of a Dispute Resolution Hearing and all Direct Request documents to the tenants by registered mail on January 13, 2021.

Based on counsel's undisputed submissions and documentary evidence, I accept that the tenants were sufficiently served the landlords' application and hearing documents as required under section 89(1) of the Act and the hearing proceeded in the tenants' absence.

During the hearing, counsel was given the opportunity to provide her submissions.

As the tenants failed to appear to provide evidence or submissions, I **dismiss** their application, without leave to reapply.

Issue(s) to be Decided

Are the landlords entitled to an order of possession of the rental unit due to unpaid rent and a monetary order for unpaid monthly rent?

Background and Evidence

Counsel referred to her documentary evidence which showed that the parties signed a Mutual Agreement to end the tenancy, as of March 12, 2021, at 3:30 p.m. Filed into evidence was a copy of the Agreement, which was on the standard Residential Tenancy Branch (RTB) form and signed by the parties. Counsel said the tenants did vacate the rental unit by March 12, 2021.

Counsel said that although the tenants have vacated the rental unit and the tenancy is over, the landlords would still prefer to be issued an order of possession of the rental unit in the event some of the tenants' friends and/or visitors return, thinking they could stay.

Also filed into evidence was a written consent signed by the tenant allowing the landlords to retain their security deposit.

Counsel also confirmed that the landlords will retain the tenants' security deposit, by way of the written agreement, and waived their remaining monetary claim in this matter.

Analysis

Based on the undisputed documentary evidence from the landlords and on the balance of probabilities, I find the following.

Order of possession - I find that pursuant to section 44(1)(c) of the Act the parties mutually agreed in writing to end the tenancy on March 12, 2021 at 3:30 p.m. This is supported by the Mutual Agreement submitted in evidence and the testimony before me.

I therefore grant the landlords' request and I issue the landlords an order of possession effective **March 12, 2021 at 3:30 p.m.**

Conclusion

The landlords have been granted an order of possession effective March 12, 2021, at 3:30 p.m.

The tenants' 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: March 18, 2021

Residential Tenancy Branch