



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding British Columbia Housing Management
Commission and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPM, OPC

Introduction

This hearing was convened in response to an application by the Landlord for an order of possession pursuant to section 55 of the *Residential Tenancy Act* (the “Act”).

The Tenant did not attend the hearing. I accept the Landlord’s evidence that the Tenant was served with the application for dispute resolution, notice of hearing and evidence (the “Package”) by registered mail on March 24, 2021 in accordance with Section 89 of the Act. Section 90 of the Act provides that a document served in accordance with section 89 of the Act is deemed to be received if given or served by mail, on the 5th day after it is mailed. Given the evidence of registered mail I find that the Tenant is deemed to have received the Package on March 29, 2021.

The Landlords were given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Background and Evidence

The tenancy under written agreement started on March 1, 2018. Rent of \$328.00 is payable on the first day of each month. No security deposit was collected. On January 28, 2021 the Parties signed a mutual agreement to end the tenancy for January 31,

2021. The Tenant has not moved out of the unit. Since signing the mutual agreement the Tenant has paid all rents as they were due, and the Landlord gave the Tenant receipts for these rents noted as received for “use and occupancy only”. The Landlord claims an order of possession.

Analysis

Section 55(2)(d) of the Act provides that a landlord may request an order of possession of a rental unit where the landlord and tenant have agreed in writing that the tenancy is ended. Based on the undisputed evidence of the mutual agreement to end the tenancy and on the undisputed evidence that the Tenant has not moved out of the unit I find that the Landlord is entitled to an order of possession.

Conclusion

I grant an Order of Possession to the Landlord effective two days after its service on the Tenant. The Tenant must be served with this **Order of Possession**. Should the Tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

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

Dated: June 28, 2021

Residential Tenancy Branch