



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### 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 to end tenancy pursuant to section 55.

The hearing was conducted by conference call. All named parties attended the hearing and were given a full opportunity to provide affirmed testimony, to present evidence and to make submissions.

### Issues

Is the landlord entitled to an order of possession?

### Background and Evidence

The tenancy began on November 1, 2018 with a monthly rent of \$1200.00 plus utilities payable on the 1<sup>st</sup> day of each month. The tenant paid a security deposit of \$600.00 at the start of the tenancy.

The landlord testified that the parties entered into a mutual agreement to end the tenancy effective April 30, 2022. The landlord agreed to an extension of this date and another mutual agreement to end tenancy was entered into with an effective date of August 31, 2022. Copies of the signed Mutual Agreement to End Tenancy forms were submitted as evidence.

The tenant did not dispute signing the mutual agreement to end tenancy forms. The tenant testified that he has been having difficulty finding a place.

### Analysis

Pursuant to section 44(1)(c) of the Act, a tenancy ends if the landlord and tenant agree in writing to end the tenancy. Pursuant to section 55(2)(d) of the Act, a landlord may request an order of possession of a rental unit if the landlord and tenant have agreed in writing that the tenancy has ended.

The tenant and landlord agreed in writing that the tenancy would end on April 30, 2022, and subsequently agreed to extension to end the tenancy August 31, 2022. The landlord was entitled to possession of the rental unit effective this date.

The landlord is granted an Order of Possession pursuant to section 55 of the Act.

### Conclusion

I grant an Order of Possession to the landlord effective **two days after service of this Order** on the tenant. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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: September 15, 2022

---

Residential Tenancy Branch