



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPT

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenants filed under the *Residential Tenancy Act* (the “Act”) to dispute a Two Month Notice to End Tenancy for Landlord’s Use of Property, to suspend or set conditions on the landlord’s right to enter the rental unit and to recover the cost of the filing fee.

On January 10, 2023, the tenant’s filed an amendment to their application to remove the original issues and add the issue of an order of possession for tenant.

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

At the hearing it was clarified that the tenants have never been locked out of the rental unit by the landlord and have possession of the rental unit. Therefore, I find I do not to consider the tenants’ application for an order of possession.

However, I note the details within the tenant’s amendment are that they are seeking to have a mutual agreement to end the tenancy signed by the parties on July 6, 2022, cancelled. The landlord’s counsel confirmed that they are aware that is the issue to be considered.

During the hearing the landlords’ agreed to cancel the mutual agreement to end the tenancy. Therefore, I find appropriate to cancel the mutual agreement to end the tenancy, signed by the parties on July 6, 2022. The tenancy will continue until legally ended in accordance with the Act.

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: January 31, 2023

Residential Tenancy Branch