



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** OPT, FF

This application was brought by the landlord seeking an Order of Possession based on a mutual agreement to end tenancy and the cost of filing this proceeding.

The landlord applicant appeared. Although served with the Application for Dispute Resolution and Notice of Hearing in person on April 5, 2012, the tenant did not appear.

### **Issue(s) to be Decided**

The landlord was seeking an Order of Possession and a monetary order for rental arrears. The issue to be determined based on the testimony and the evidence is whether or not the landlord is entitled to an Order of Possession based on Mutual Agreement to End Tenancy dated February 17, 2012.

### **Background and Evidence**

The landlord submitted into evidence a copy of the Mutual Agreement to End Tenancy dated February 17, 2012 and effective March 31, 2012, a copy of the tenancy agreement and other documents.

The landlord testified that the parties signed the Mutual Agreement and, although the tenant had agreed to vacate, he is over-holding the unit beyond the date of vacancy.

The landlord is seeking an order of possession based on the agreement.

### **Analysis**

Based on the evidence and the testimony of the landlord, I find that the parties signed a mutual agreement in which the tenant was to vacate the unit on or before March 31, 2012. I find the Mutual Agreement to End Tenancy is valid and enforceable under section 45 of the Act. Under section 55(2)(d) of the Act a landlord is entitled to an order of possession when the parties have agreed in writing to end the tenancy.

### **Conclusion**

Based on the evidence and pursuant to the Act, I hereby issue an Order of Possession in favour of the landlord effective two days after the order is served on the tenant. This

order must be served on the Respondent and may be filed in the Supreme Court and enforced as an order of that Court.

I find that the landlord is entitled to be reimbursed the \$50.00 fee paid for filing this application and I hereby grant the landlord a monetary order under section 72 for \$50.00. This order must be served on the Respondent and may be filed in the Provincial Court (Small Claims) 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 *Residential Tenancy Act*.

Dated: April 24, 2012.

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Residential Tenancy Branch