



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Muks Kum Ol Housing Society
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR FF

Introduction

This hearing dealt with the landlord's application for an order of possession pursuant to a mutual agreement to end tenancy. The landlord participated in the teleconference hearing, but the tenants did not.

The landlord stated that the tenants were served with the application for dispute resolution and notice of hearing by registered mail sent on March 21, 2015. Section 90 of the Act states that a document is deemed to have been served five days after mailing. I found that the tenants were deemed served with notice of the hearing on March 26, 2015, and I proceeded with the hearing in the absence of the tenants.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The tenancy began on June 1, 2013. On October 10, 2014 the female tenant and the landlord both signed a mutual agreement to end the tenancy on November 28, 2014.

The landlord stated that the tenants have not vacated the rental unit; nor have they paid any rent since that time. The landlord seeks an order of possession pursuant to the mutual agreement to end the tenancy.

In support of their application, the landlord has submitted evidence including the following:

- a copy of the tenancy agreement, signed by the landlord and the tenant;
- a copy of the mutual agreement to end tenancy;

- testimony that the tenants have not vacated or paid rent; and
- a copy of the landlord's application, filed March 12, 2015.

Analysis

I find that the landlord is entitled to an order of possession pursuant to the mutual agreement to end tenancy. I accept the evidence that the mutual agreement is valid, the tenants have failed to vacate and the landlord has not reinstated the tenancy, as the tenants have not paid rent.

I therefore grant the landlord an order of possession.

As their application was successful, the landlord is also entitled to recovery of the \$50 filing fee for the cost of their application.

Conclusion

I grant the landlord an order of possession effective two days from service. The tenants must be served with the order of possession. Should the tenants 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.

I grant the landlord an order under section 67 for the balance due of \$50. This order may be filed in the Small Claims Court 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 22, 2015

Residential Tenancy Branch

