



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, DRI, RR, OPR, MNR, MNDC, FF

Introduction

This hearing dealt with cross Applications for Dispute Resolution filed by the parties under the Residential Tenancy Act (the “Act”).

The Landlord filed an Application requesting: an order of possession due to unpaid rent; a monetary order due to unpaid rent, and to recover the cost of the filing fee for this hearing.

The Tenant filed an Application requesting: more time to make application to cancel a Notice to end tenancy; to cancel a 10 day Notice To End Tenancy for Unpaid Rent; to dispute an additional rent increase; and to reduce rent for repairs, services or facilities that were not provided.

The Landlords’ agent appeared at the hearing; however, the Tenants did not appear. The Landlord’s agent provided affirmed testimony and was provided the opportunity to present her evidence orally and in written and documentary form, and make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Preliminary Matters

The Landlord’s agent testified that the parties reached a mutual agreement to end the tenancy. The Landlord’s agent requested an order of possession be granted to her based on the mutual agreement to end the tenancy, and withdraws her requests for an order of possession based on the Notices to end tenancy that were issued to the Tenant. The Landlord also withdraws her monetary claims against the Tenant.

The Landlord's agent requested that the names of the Tenants on the Landlord's application be amended. I granted the Landlord's request and have amended the spelling of the Tenants names.

The Tenants did not appear at the hearing. The line remained open while the phone system was monitored for twelve minutes and the Tenants did not call into the hearing during this time. Therefore, as the Tenants did not attend the hearing by 11:12 a.m., I have dismissed the Tenant's application.

Issues to be Decided

Is the Landlord entitled to an order of possession based on a mutual agreement to end a tenancy?

Background and Evidence

The Landlord's agent testified that the tenancy commenced sometime in 2014, as a month to month tenancy. Rent in the amount of \$1600.00 is due on the first day of each month.

The Landlord's agent testified that the parties reached a mutual agreement to end the tenancy. She testified that the Landlord and Tenant met on May 25, 2016, and agreed that the tenancy will end at 6:00 p.m. on June 15, 2016. The Landlord's agent testified that she was present as a witness on May 25, 2016, when the mutual agreement was signed by the Tenants and the Landlord. The Landlord has provided documentary evidence of the Mutual Agreement to End a Tenancy signed and dated May 25, 2016.

The Landlord requests an order of possession effective June 15, 2016, the date the parties agreed the tenancy will end.

Analysis

Based on the evidence before me, the testimony of the Landlord's agent, and on a balance of probabilities, I find that the Landlord and Tenant agreed to end the tenancy at 6 p.m. on June 15, 2016.

I grant the Landlord an order of possession effective at 6:00 p.m. on June 15, 2016.

Conclusion

The Landlord and Tenant reached a mutual agreement that the tenancy ends on June 15, 2016.

The Landlord is granted an order of possession not later than 6:00 p.m. on June 15, 2016.

The Tenants did not appear at the hearing and their application is dismissed.

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: June 09, 2016

Residential Tenancy Branch