



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPM

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the Act) for:

- an order of possession as a result of a mutual agreement pursuant to section 55.

The landlord and her agent attended the hearing via conference call and provided undisputed affirmed testimony. The tenants did not attend or submit any documentary evidence. The landlord's agent (the landlord) stated that both tenants were served with the notice of hearing package and the submitted documentary evidence via Canada Post Registered Mail on June 3, 2017. In support of this, the landlord has provided a copy of the Canada Post Customer Receipt Tracking labels. I accept the undisputed affirmed evidence of the landlord and find that both tenants have been properly served as per sections 88 and 89 of the Act. The tenants are deemed to have been served 5 days later on June 8, 2017 as per section 90 of the Act.

Issue(s) to be Decided

Is the landlord entitled to an order of possession as a result of a mutual agreement?

Background and Evidence

While I have turned my mind to all the documentary evidence, and the testimony of the parties, not all details of the respective submissions and / or arguments are reproduced here. The principal aspects of the applicant's claim and my findings are set out below.

This tenancy began on December 15, 2015 on a fixed term tenancy ending on December 14, 2016 as shown by the submitted copy of the signed tenancy agreement. The monthly rent began at \$980.00 payable on the 1st day of each month. A security deposit of \$490.00 was paid.

The landlord seeks an order of possession as a result of a mutual agreement to end the tenancy.

The landlord submitted a copy of a completed mutual agreement to end tenancy signed and dated on April 2, 2017. In it, both parties agreed to terminate the tenancy on May 31, 2017.

The landlord stated that the tenants still reside in the rental premises and have failed to pay any rent as of the date of this hearing.

Analysis

Section 55 (2) (d) of the Residential Tenancy Act provides that a landlord may request an order of possession of a rental unit if the landlord and the tenant have agreed in writing that the tenancy is ended.

I accept the undisputed affirmed evidence of the landlord and find that both parties have mutually entered into an agreement to terminate the tenancy on May 31, 2017 as per the signed mutual agreement dated April 2, 2017. As such, the landlord has provided sufficient evidence to satisfy me that the request for an order of possession is justified.

Conclusion

The landlord is granted an order of possession.

This order must be served upon the tenants. 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.

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: July 19, 2017

Residential Tenancy Branch