



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Code: OPM

Introduction

In this dispute, the landlords seek an order of possession under section 55(2)(d) of the *Residential Tenancy Act* (the “Act”).

The landlords filed an application for dispute resolution on July 7, 2020 and a dispute resolution hearing was held, by teleconference, on August 10, 2020. One of the landlords, the landlords’ advocate, and the tenant attended the hearing and were given a full opportunity to be heard, present testimony, make submissions, and call witnesses. No issues of service were raised by the parties.

I have only reviewed and considered oral and documentary evidence submitted meeting the requirements of the *Rules of Procedure*, to which I was referred, and which was relevant to determining the preliminary issue of this application.

Preliminary Issue: Order of Possession

Section 55(2) and (d) of the Act states that

A landlord may request an order of possession of a rental unit in any of the following circumstances by making an application for dispute resolution: [...]

(d) the landlord and tenant have agreed in writing that the tenancy is ended.

In this dispute, the landlords and the tenant signed a Mutual Agreement to End a Tenancy on June 26, 2020 for an end of tenancy date of September 1, 2020. A copy of the agreement was submitted into evidence.

The landlord and her advocate stated that they heard back from the tenant recently (after not hearing from him in some time), who indicated that he had finally found a new home and that he would be vacating the rental unit on or about August 15, 2020. The tenant confirmed this and said that he had movers ready for this Saturday.

The landlords indicated that they sought an order to ensure that “some things we have lined up” for September can proceed. The tenant did not oppose the landlords’ application for order of possession.

Given the above and based on the undisputed application by the landlords for an order of possession, I therefore, pursuant to section 55(2)(b) of the Act, grant the landlords an order of possession effective September 1, 2020 at 12:00 PM. This order is issued in conjunction with this decision.

Conclusion

I grant the landlords’ application.

This decision is made on authority delegated to me under section 9.1(1) of the Act.

Dated: August 10, 2020

Residential Tenancy Branch