



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, FF, O (Tenant's Application)  
                             OPC, OPB, O (Landlords' Application)

### Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution (the "Application") made by the Tenant on December 28, 2016 and by the Landlords on January 4, 2017.

The Tenant applied: to cancel a 1 Month Notice to End Tenancy for Cause (the "Notice"); to recover the filing fee from the Landlord; and for "Other" undisclosed issues. The Landlords applied for an Order of Possession based on the Notice and for a breach of the tenancy agreement. The Landlords also applied for "Other" undisclosed issues.

### Preliminary Issues

Both Applicants named on the Landlords' Application appeared for the hearing and provided affirmed testimony. However, there was no appearance for the Tenant during the 13 minute duration of the hearing. The Landlords confirmed that the Tenant had been served with their Application and notice of this hearing personally on January 5, 2016.

The Landlords testified that the absence of the Tenant for this hearing was likely because the parties had met several hours prior to this hearing and agreed to withdraw the Notice and allow the tenancy to continue until March 31, 2017 at which point the parties agreed the tenancy will end. The Landlords explained that they had faxed a copy of this agreement signed by the Tenant into evidence. This evidence was not before me at the time of the hearing but was provided by the Residential Tenancy Branch to me at the time of writing this Decision.

The Landlords requested an Order of Possession for March 31, 2017 in order to affect the ending of the tenancy through the mutual agreement. Accordingly, based on the undisputed evidence of the Landlords before me, I grant them an Order of Possession which is effective at 1:00 p.m. on March 31, 2017. The Landlords must serve this order

to the Tenant and may then enforce the order in the Supreme Court of British Columbia as an order of that court if the Tenant fails to vacate the rental unit by the agreed date.

As the Tenant failed to appear for this hearing and the parties mutually agreed to end the tenancy, I dismiss the Tenant's Application in its entirety without leave to re-apply. 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: January 24, 2017

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Residential Tenancy Branch