



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, O

Introduction

This hearing convened as a result of the Landlord's Application for Dispute Resolution wherein the Landlord requested an Order of Possession based on a 1 Month Notice to End Tenancy for Cause issued on December 5, 2016 (the "Notice").

Only the Landlord's agent, T.M., appeared at the hearing. She gave affirmed testimony and was provided the opportunity to present the Landlord's evidence orally and in written and documentary form, and to make submissions to me.

T.M. testified that she witnessed the Landlord personally serve the Tenants with the Notice of Hearing and the Application on January 5, 2017. Accordingly, I find the Tenants were duly served as of January 5, 2017 and I proceeded with the hearing in their absence.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, not all details of the Landlord/Tenant's submissions and or arguments are reproduced here; further, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issue to be Decided

1. Is the Landlord entitled to an Order of Possession?

Background and Evidence

T.M. testified that the tenancy began April 1, 2016.

T.M. testified that she witnessed the Landlord personally serve the Notice on the Tenants on December 5, 2016. The Notice informed the Tenants they had 10 days in which to file an Application to dispute the Notice.

T.M. further testified that the Landlord was not served with a Tenants' Application for Dispute Resolution.

T.M. stated that when the Tenants were served with the hearing package they indicated that they would move out and confirmed they did not wish to dispute the Notice. T.M. stated that to this end, the parties signed a Mutual Agreement to End Tenancy on January 5, 2017. A copy of this document was provided in evidence.

Analysis

After consideration of the undisputed evidence and testimony of the Landlord's agent and on a balance of probabilities I find as follows.

The Tenants failed to dispute the Notice and are conclusively presumed to accept the end of the tenancy. Pursuant to section 55 of the *Residential Tenancy Act* I find the parties agreed to end the tenancy as of **February 1, 2017 at 12:00 p.m.** and accordingly I make the Order of Possession effective at that time. The Order must be served on the Tenants and may be filed and enforced in the B.C. Supreme Court.

Conclusion

The Tenants failed to dispute the Notice and the Landlord is entitled to an Order of Possession effective, **February 1, 2017 at 12:00 p.m.** the date agreed to by the parties.

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 25, 2017

Residential Tenancy Branch