



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PCPM LTD AS AGENT FOR BROOKMERE GARDENS INC
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC, FFL

Introduction

This hearing was convened by way of conference call concerning an application made by the landlord for an Order of Possession for cause and to recover the filing fee from the tenants for the cost of the application.

The landlord was represented at the hearing by an agent who gave affirmed testimony and was accompanied by a witness. One of the tenants also attended the hearing.

During the course of the hearing the parties agreed to settle this dispute, and agreed that the tenancy will end on or before May 31, 2018. The parties confirmed at the end of the hearing that this agreement was made on a voluntary basis and that the parties understood the nature of this full and final settlement of this matter.

The other tenant did not attend the hearing. The line remained open while the phone system was monitored for 10 minutes prior to hearing any testimony and the tenant did not attend. The landlord's agent testified that the tenants were served with the Landlord's Application for Dispute Resolution and notice of this hearing on April 5, 2018 by personally handing the documents to one of the tenants. I accept that testimony, considering that one of the tenants joined the call. I find that the tenants have been served in accordance with the *Residential Tenancy Act*.

The *Residential Tenancy Act* states that where a tenant fails to dispute a One Month Notice to End Tenancy for Cause (the Notice) within 10 days of service, the tenant is conclusively presumed to have accepted the end of the tenancy. In this case, neither tenant has disputed the Notice; I have no such application before me. Therefore, I find that the tenant who did not attend the hearing is conclusively presumed to have accepted the end of the tenancy.

Conclusion

For the reasons set out above, and by consent, I hereby grant an Order of Possession in favour of the landlord effective at 1:00 p.m. on May 31, 2018.

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: May 09, 2018

Residential Tenancy Branch