



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FFL OPN

Introduction

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

Both landlords and one of the tenants named in the landlords' application attended the hearing, however the line remained open while the telephone system was monitored for 10 minutes prior to any evidence or settlement discussions, and no one for the other tenant joined the call. One of the landlords advised that both named tenants were served with the Application for Dispute Resolution and notice of this hearing by registered mail on March 23, 2019, and the landlords have provided copies of Registered Domestic Customer Receipts stamped by Canada Post with that date, and I am satisfied that both named tenants have been served in accordance with the *Residential Tenancy Act*.

The tenant who has not joined the call is not named in the tenancy agreement, a copy of which has been provided as evidence for this hearing by the landlords. The tenant named in the tenancy agreement attended the hearing and advised that he has vacated the rental unit. The parties agree that the tenant named in the tenancy agreement gave notice to vacate the rental unit effective April 30, 2019, and the parties agreed that the landlords should have an Order of Possession effective at 1:00 p.m. on April 30, 2019.

Although another person may be affected by the Order of Possession, I find that that person is not a party, and in her absence, I am satisfied that she is not opposed to the application. Since the parties named in the tenancy agreement have agreed to settle this dispute, I hereby grant an Order of Possession in favour of the landlords effective on April 30, 2019 at 1:00 p.m.

The landlords withdrew the application seeking recovery of the \$100.00 filing fee.

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.

Conclusion

For the reasons set out above, and by consent, I hereby grant an Order of Possession in favour of the landlords effective at 1:00 p.m. on April 30, 2019.

This order is final and binding and may be enforced.

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: April 16, 2019

Residential Tenancy Branch