



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, DRI, FF, MNDC, MT, O, OLC, OPT, OPL, MND, MNR, MNSD,

Introduction

A substantial amount of documentary evidence, photo evidence, and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

First of all it is my decision that I will not deal with all the issues that the applicants have put on the applications. For claims to be combined on an application they must related.

Not all the claims on this application are sufficiently related to the main issue to be dealt with together.

I therefore will deal with the landlords request for an Order of Possession based on a Notice to End Tenancy for landlord use, the tenant's application to cancel that notice, and the requests for recovery of the filing fees. I dismiss all remaining claims, with liberty to re-apply.

Background and Evidence

The landlords testified that:

- They fully intend to move into this rental property.
- He will move into the rental property this fall when the tenant vacates, and his wife will move into the rental property next spring after completing a project where she is presently working.
- They have given the tenant the required two month Notice to End Tenancy and therefore they are requesting an Order of Possession for the end of August 2012, and recovery of their filing fee.

The tenant testified that:

- The landlord originally told her that he had an eight month contract to work and therefore he wanted to move back into this rental unit.
- She has subsequently found out that he does not have an eight month contract to work in the Creston area and therefore does not know why he wants to move into this rental unit.
- Also in communication between the parties it's clear that the female landlord is not even planning to move into the rental unit.
- She is therefore requesting that the Notice to End Tenancy be cancelled and that this tenancy continues.

In response to the tenant's testimony the landlords testified that:

- He has never said that he had an eight month contract to work in the Creston area.
- He fully intends to move into the rental property while attempting to find work in the area, and he also wants to be on the property to learn how to manage the orchard.
- The female landlord testified that she fully intends to move on to the property next spring as well, once the project she is dealing with at work is finished.

Analysis

Based on the information provided it is my finding that the landlords fully intend to move on to the rental property and have no ulterior motive in issuing this Notice to End Tenancy.

Therefore since the landlords have given the proper two month Notice to End Tenancy required by the Residential Tenancy Act, I will be issuing an Order of Possession for the end of August 2012 and will not be setting the Notice to End Tenancy aside.

Conclusion

Tenant's application

The tenant's application to cancel the two month Notice to End Tenancy is dismissed without leave to reapply. I further deny the tenants application for an Order of Possession, and for recovery of her filing fee.

As stated above the monetary portion of the tenant's application is dismissed with leave to reapply.

Landlord's application

I have issued an Order of Possession to the landlords for 1 p.m. on August 31, 2012.

I further order that the tenant pay to the landlords \$50.00 to cover the cost of the landlords filing fee.

As stated above the monetary portion of the landlord's application is dismissed with leave to reapply.

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: August 22, 2012.

Residential Tenancy Branch