



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL

Introduction

This hearing was convened on the landlords' application of March 22, 2013 seeking an Order of Possession in support of a two-month Notice to End Tenancy for landlord use served on February 12, 2013.

Despite having been served with the Notice of Hearing in person on March 22, 2013, the tenant did not call in to the number provided to enable his participation in the telephone conference call hearing. Therefore, it proceeded in their absence.

Issue(s) to be Decided

Has the landlord provided sufficient evidence to warrant issuance of the Order of Possession?

Background and Evidence

This tenancy began on or about August 1, 2012. Rent was revised to \$1,400 per month plus utilities during the tenancy, and the landlords hold a security deposit of \$837.50 paid at the beginning of the tenancy.

During the hearing, the landlord submitted into evidence a copy of the two-month Notice to End Tenancy for landlord use, served in person on February 28, 2013 and setting an end of tenancy date of May 1, 2013.

The Notice to End Tenancy submitted into evidence states the reason for ending the tenancy is the landlords' need for vacant possession to demolish the rental building.

The landlords also submitted into evidence copies of a demolition permit and tree removal permit dated February 7, 2013, an invoice for a topographical survey for subdivision dated June 29, 2012, an invoice for a subdivision plan, a statement of requirements from the municipality dated September 27, 2012 and estimates for the demolition work.

The landlord confirmed that the rent for April 2013 had been waived as a means to give the tenant the equivalent of one-month's rent, granted by section 51 of the *Act* to tenants who have received a Notice to End Tenancy for landlord use.

Analysis

Section 49 of the *Act* provides that a landlord may issue a two-month Notice to End Tenancy when vacant possession is required to renovate or demolish the rental unit.

Section 49(8) provides tenants receiving such notice 15 days to make application to contest the notice. If such application is not made, section 49(9) states that the tenants are conclusively presumed to have accepted the end of tenancy date set by the notice, May 1, 2013 in the present matter. The tenant has not made application to contest the notice.

On examining the relevant documents submitted by the landlord, I find that the Notice to End Tenancy was served in good faith and is lawful and valid.

Therefore, I find that the landlords are entitled to an Order of Possession as requested.

Conclusion

The landlords' copy of this decision is accompanied by an Order of Possession, enforceable through the Supreme Court of British Columbia to take effect at 1 p.m. on May 1, 2013.

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 19, 2013

Residential Tenancy Branch

