



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPB O

### Introduction

This hearing dealt with a landlords' Application for Dispute Resolution under the *Residential Tenancy Act* (the "*Act*") to obtain an order of possession due to the tenants breaching an agreement with the landlord and "other" the details of which relate to the landlords' request for an order of possession based on three of the four tenants providing their one month notice that they would be vacating the rental unit.

The male landlord (the "landlord") appeared at the teleconference hearing and gave affirmed testimony. During the hearing the landlord was given the opportunity to provide their evidence orally. A summary of the testimony is provided below and includes only that which is relevant to the hearing.

The landlord testified that the tenants were served the Notice of a Dispute Resolution Hearing (the "Notice") on May 30, 2013 by placing the Notice in the mailbox of the tenants. The landlord stated that each tenant was served with their own Notice and that evidence was included. The tenants did not attend the hearing. The landlord stated that ten minutes before the hearing, tenant JR called the landlord and confirmed that he was aware of the hearing but that he was at work and would not be calling into the hearing as he was not disputing anything. Based on the undisputed testimony of the landlord, I find that the tenants were served with the Notice of a Dispute Resolution Hearing and evidence in accordance with the *Act*.

### Issue to be Decided

- Are the landlords entitled to an order of possession under the *Act*?

## Background and Evidence

A fixed term tenancy began on May 1, 2012 and reverted to a month to month tenancy after May 1, 2013. Monthly rent in the amount of \$2,000.00 was due on the first day of each month. The tenants paid a security deposit of \$1,000.00 at the start of the tenancy.

On May 29, 2013, the landlord stated that three of the tenants, JR, BM and DK served their one month notice that they would be vacating the rental unit on June 30, 2013. The landlord accepted the tenants' notice, however, one tenant, LJ, indicated to the landlord that he would not be vacating and would be seeking additional tenants. The landlord did not agree to permitting new tenants or to entering into a new tenancy agreement. The landlord is seeking an order of possession effective June 30, 2013 at 1:00 p.m. based on the tenants' one month notice under the *Act* that they would be vacating on June 30, 2013.

## Analysis

**Order of possession** – Section 45 of the *Act* states:

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**45** (1) A tenant may end a periodic tenancy by giving the landlord notice to end the tenancy effective on a date that

(a) is not earlier than one month after the date the landlord receives the notice, and

(b) is the day before the day in the month, or in the other period on which the tenancy is based, that rent is payable under the tenancy agreement.

When one tenant serves a one month notice to end a periodic tenancy, the tenancy ends for all tenants named in the tenancy agreement on the effective date of that notice. Therefore, **I find** that by three tenants serving a one month notice to end a month to month tenancy that the tenancy ends on June 30, 2013, the effective date of the one month notice which the landlord accepted.

Given the above and pursuant to section 55(2)(a) of the *Act*, **I grant** the landlord an order of possession **effective June 30, 2013 at 1:00 p.m.** based on the one month notice issued by tenants JR, BM and DK effective June 30, 2013. This order must be served on the tenants and may be enforced in the Supreme Court of British Columbia.

Conclusion

I grant the landlord an order of possession effective June 30, 2013 at 1:00 p.m. This order must be served on the tenants and may be enforced in the Supreme Court of British Columbia.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: June 26, 2013

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Residential Tenancy Branch

