



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Vancouver Eviction Services  
and [tenant name suppressed to protect privacy]

## DECISION

Dispute Codes: OPL, FF

### Introduction

This hearing concerns the landlord's application for an order of possession for landlord's use of property / and recovery of the filing fee. The landlord and the landlord's agent attended and gave affirmed testimony.

The landlord's agent testified that the application for dispute resolution and notice of hearing (the "hearing package") was served on each tenant by way of registered mail. Evidence provided by the landlord's agent includes the Canada Post tracking number for the registered mail, and the Canada Post website informs that the items were "successfully delivered." Despite this, the tenants did not appear.

The landlord's agent testified that the landlord was also served with the tenants' hearing package (file # 822874). Subsequent to filing their own application, the tenants contacted the Branch to request cancellation of the hearing scheduled in response to their particular application. However, both applications were scheduled to be heard at this same time on August 19, 2014.

### Issue(s) to be Decided

Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement.

### Background and Evidence

Pursuant to a written tenancy agreement, the tenancy began on August 01, 2005. Monthly rent is due and payable in advance on the first day of each month. Monthly rent is currently \$980.00. A security deposit of \$460.00 was collected on July 21, 2005.

Pursuant to section 49 of the Act which speaks to **Landlord's notice: landlord's use of property**, the landlord issued a notice to end tenancy dated June 09, 2014. The

notice was served by way of posting on the unit door on that same date. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenants must vacate the unit is August 31, 2014. The reason identified on the notice in support of its issuance is as follows:

All of the conditions for sale of the rental unit have been satisfied and the purchaser has asked the landlord, in writing, to give this Notice because the purchaser or a close family member intends in good faith to occupy the rental unit.

Subsequently, the tenants filed an application to dispute the notice. However, as earlier noted the tenants later requested that the hearing scheduled in response to their application be cancelled. The landlord testified his understanding is that the tenants plan to vacate the unit by not later than August 31, 2014. Nevertheless, the landlord testified that he continues to seek an order of possession and recovery of the filing fee.

### Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, forms and more can be accessed via the website: [www.rto.gov.bc.ca](http://www.rto.gov.bc.ca)

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord and the landlord's agent, I find that the tenants were served with a 2 month notice to end tenancy for landlord's use of property dated June 09, 2014. Thereafter, the tenants filed an application to dispute the notice but effectively withdrew that application at a later date. In summary, I find that the landlord has therefore established entitlement to an **order of possession**.

As the landlord has succeeded with this application, I find that the landlord has also established entitlement to recovery of the **\$50.00** filing fee. I order that the landlord may recover the filing fee by way of withholding that amount from the tenants' security deposit at the end of tenancy.

### Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **August 31, 2014**. This order must be served on the tenants. Should the tenants fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

I hereby order that the landlord may withhold **\$50.00** from the tenants' security deposit at the end of tenancy in order to recover the filing fee.

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 19, 2014

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Residential Tenancy Branch

