



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL

Introduction

This was the hearing of an application by the tenants to cancel a two month Notice to End Tenancy for landlord's use. The hearing was conducted by conference call. The landlords called in and participated in the hearing. The tenants did not attend, although this was the hearing of their application.

Issue(s) to be Decided

Should the Notice to End Tenancy be cancelled?

Background and Evidence

The rental property is a single family dwelling on an acreage. The landlords served the tenants with a two month Notice to End Tenancy for landlord's use dated June 6, 2015. The notice required the tenants to move out of the rental unit by August 6th. The Notice did not specify the address of the rental unit and failed to state a reason for ending the tenancy. The tenants filed an application for dispute resolution on June 8, 2015. In the application the tenants noted the defect in the Notice to End Tenancy and requested that it be cancelled.

After the landlords were served with the tenants' application, they acknowledged the problems with the original Notice to End Tenancy. They sent a letter to the tenants and served the tenants with a new two month Notice to End Tenancy dated June 17, 2015. The Notice required the tenants to move out of the rental unit by August 31, 2015. The reason for the Notice to End Tenancy was that the rental property has been sold and the purchaser has asked the landlord in writing to give the Notice because the landlord, or a close family member intends, in good faith to occupy the rental unit. The tenants were personally served with the Notice to End Tenancy on June 17, 2015.

Analysis

Although this is the tenants' application, they did not attend the hearing and have not made any response to the June 17 Notice to End Tenancy served on behalf of the landlords.

I have considered the tenants' application as a valid application to cancel the new Notice to End Tenancy given by the landlords. I consider that the tenants' failure to attend this hearing or to raise any objection to the new Notice to End Tenancy served upon them amounts to an acknowledgement that the defects they complained of have been corrected and that they have abandoned their opposition to the Notice to End Tenancy.

Conclusion

Based on the tenants' failure to attend this hearing, I dismiss their application to cancel the Notice to End Tenancy without leave to reapply. Pursuant to the request of the landlords made at the hearing, I grant the landlords an order for possession effective August 31, 2015, after service on the tenants. This order may be registered in the Supreme Court and enforced as an order of that court.

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: July 17, 2015

Residential Tenancy Branch

