



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPL

### Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the Act) for:

- an order of possession for landlords' use of property pursuant to section 55;

Both parties attended the hearing by conference call and gave affirmed testimony. The landlord stated that the tenant was served with the notice of hearing package and the submitted documentary evidence on October 13, 2015 in person with a witness. The landlord has provided a copy of a witness statement confirming service in this manner. The tenant confirmed receipt of the landlords' notice of hearing package and the submitted documentary evidence. The tenant, B.B. stated that he did not serve his documentary evidence to the landlord. I accept the undisputed affirmed testimony of both parties and find that the landlord has properly served the tenants with the notice of hearing package and the submitted documentary evidence pursuant to sections 88 and 89 of the Act. The tenants' are deemed to have received the notice of hearing package and the submitted documentary evidence on October 13, 2015.

### Issue(s) to be Decided

Are the landlords entitled to an order of possession?

### Background and Evidence

The landlord has provided written submissions that state,

Landlord has obtained all plans and paperwork from the city...to start Capping off all services to the property so he can get the home ready for demolition...City is waiting for landlord to give them the go ahead so they can have their crews go

out and start the procedure. The landlord is going to be building a new home on the property for his own use.

The landlord stated that an initial 2 Month Notice dated August 26, 2015 was issued, but that it was not properly completed. The landlord then issued a new 2 Month Notice dated October 1, 2015.

The landlord stated that he served the tenants with a 2 Month Notice to End Tenancy for Landlord's use of property (2 Month Notice) dated October 1, 2015 in person on October 1, 2015. The 2 Month Notice sets out an effective end of tenancy date of December 1, 2015 and 1 reason as:

The landlord has all necessary permits and approvals required by law to demolish the rental unit or repair the rental unit in a manner that requires the rental unit to be vacant.

The landlord has submitted in support of his application:

A 3 page floor plan.

An invoice dated August 26, 2015 from the local municipality (Building Permits Division) for capping drainage and new service connections for sanitary and water.

The tenant, B.B. stated that he was in the process of vacating the rental property, but would require additional time.

### Analysis

Section 63 of the *Residential Tenancy Act* provides that the parties may attempt to settle their dispute during a hearing. Pursuant to this provision, discussion between the parties during the hearing led to a resolution. Specifically, it was agreed as follows;

1. Both parties agreed to mutually end the tenancy on December 31, 2015.

Pursuant to this agreement the landlords will be given an order of possession to reflect condition #1 of this agreement. Should it be necessary, this order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

The above particulars comprise full and final settlement of all aspects of the dispute arising from these applications for both parties.

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: December 10, 2015

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Residential Tenancy Branch

