



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL

Introduction

This was a hearing with respect to an application by the landlords for an order of possession pursuant to a two month Notice to End Tenancy for landlords' use. The hearing was conducted by conference call. The landlords called in and participated in the hearing and their former tenant also attended as a witness. The tenant did not attend the hearing, although he was personally served with the application for dispute resolution and Notice of Hearing on May 16, 2016.

Issue(s) to be Decided

Are the landlords entitled to an order of possession pursuant to the two month Notice to End Tenancy dated April 30, 2016?

Background and Evidence

The rental unit is a house in Williams Lake. The tenant is the father of the male landlord. In May, 2015 the tenant arrived at the landlord's home seeking a place to stay because he had been evicted from the residence he was sharing with his girlfriend. The landlord allowed his father to stay with him in his house until the rental property also owned by the tenant became vacant in July 2015. The rental property is located across the street from the landlord's house. The tenant moved into the rental unit in July 2015. There is no written tenancy agreement. The terms of the tenancy were that the tenant would pay monthly rent of \$525.00 plus all utilities. The tenant was told that the rental was not to be long term because the landlords had plans to renovate the rental property.

The landlord has attempted to persuade his father to move out of the rental unit, but the tenant has responded with physical and verbal abuse directed at the landlord and his wife. A police officer was involved to act as an intermediary. When efforts to negotiate with the tenant were unsuccessful the landlord served the tenant with a two month Notice to End Tenancy for landlord's use. The Notice to End Tenancy was dated April 30, 2016. The stated reason for the Notice was that the landlord has all the necessary permits and approvals required by law to demolish the rental unit, or renovate or repair

the rental unit in a manner that requires the rental unit to be vacant. The tenant was personally served with the Notice to End Tenancy by a bailiff on April 30, 2016. The Notice to End Tenancy requires the tenant to move out of the rental unit by June 30, 2016. The tenant has not paid rent since March, 2016. He did not apply to dispute the Notice to End Tenancy. The landlord testified that the tenant has caused destructive damage to the rental unit since the Notice was given; this has included selling or disposing of appliances in the rental unit.

Analysis

I find that although there is no written tenancy agreement, a residential tenancy was created that proceeded on a month to month basis. The tenant was personally served with the Notice to End Tenancy and with the application and Notice of Hearing.

Section 49 (8) of the *Residential Tenancy Act* provides that upon receipt of a Notice to End Tenancy for landlord's use a tenant may apply within 15 days to dispute the notice by filing an Application for Dispute Resolution with the Residential Tenancy Branch. If, as in the present case, the tenant does apply to dispute the Notice to End Tenancy, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice.

Conclusion

Order of Possession - Based on the above background, evidence and analysis I find that the landlord is entitled to an order of possession effective June 30, 2016, after service on the tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

Conclusion

The tenancy will end June 30, 2016. The landlords have been granted an order of possession effective that date.

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: June 23, 2016

Residential Tenancy Branch