



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET FF

Introduction

This hearing convened pursuant to the landlord's application for an order to end the tenancy early. The two landlords and an agent for the landlord called in to the teleconference hearing, but the tenants did not.

The landlord stated that the tenants were personally served with the application for dispute resolution and notice of hearing on August 4, 2016. I accepted the landlord's evidence that they served the tenants with the notice of the hearing, and I proceeded with the hearing in the absence of the tenants.

Preliminary Issue – Amendment

The landlord submitted in their evidence a copy of a two month notice to end tenancy for landlord's use. The effective date of this notice is August 31, 2016. The landlord stated that they were not seeking an immediate order of possession, they just wanted the tenants to vacate the unit by August 31, 2016 because they will be moving in to the unit. I determined that it was appropriate to amend the landlord's application to address the notice to end tenancy for landlord's use.

Issue(s) to be Decided

Is the two month notice to end tenancy for landlord's use dated August 31, 2016 valid?

Background and Evidence

The landlord stated that they intend to move into the rental unit address, and on June 7, 2016 they personally served the tenants with a two month notice to end tenancy for landlord's use. The notice indicates that the reason for ending the tenancy was that the

owner intends to occupy the rental unit. The tenants have not applied to dispute the notice. The effective date of the notice is August 31, 2016.

Analysis

I find that the landlord is entitled to an order of possession effective August 31, 2016. I am satisfied that the tenants were served with the notice to end tenancy for landlord's use and they did not apply to dispute the notice. The tenants are therefore conclusively presumed to have accepted that the tenancy will end on August 31, 2016.

As the landlord's application was successful, they are entitled to recovery of the \$100.00 filing fee for this application.

As I have granted the landlord an order of possession based on the notice to end tenancy, it is not necessary for me to consider whether to grant an order of possession pursuant to their application for an order to end the tenancy early.

Conclusion

The landlord's application is successful.

I grant the landlord an order of possession effective August 31, 2016. The tenants must be served with the order of possession. 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 grant the landlord an order under section 67 for the amount due of \$100.00. This order may be filed in the Small Claims 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: August 19, 2016

Residential Tenancy Branch