



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 landlords' application pursuant to the *Residential Tenancy Act* ("Act") for an Order of Possession for landlord's use of property pursuant to section 55.

The tenants did not attend this hearing, which lasted approximately 10 minutes. Both landlords attended and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The landlords testified that a 2 Month Notice to End Tenancy for Landlord's Use (the "2 Month Notice"), dated March 31, 2017 and providing an end of tenancy date of May 31, 2017 was personally served on the tenants on March 31, 2017. I find that the tenants were duly served with the landlord's 2 Month Notice on March 31, 2017 in accordance with section 88 of the *Act*.

The landlords testified that the landlords' application for dispute resolution dated April 19, 2017 was sent to each of the co-tenants by registered mail on April 20, 2017. The landlords provided two Canada Post tracking numbers as evidence of service. In accordance with sections 89 and 90 of the *Act*, I find that the tenants were deemed served with the landlords' application on April 25, 2017, five days after mailing.

Issue(s) to be Decided

Are the landlords entitled to an Order of Possession for landlords' use of property?

Background and Evidence

The landlords provided undisputed testimony regarding the following facts. This tenancy began in February, 2017. The monthly rent is \$1,000.00 payable on the first of each

month. A security deposit of \$500.00 was paid by the tenants at the start of the tenancy and is still held by the landlords.

The landlords provided the 2 Month Notice to End Tenancy into written evidence. The landlords testified that the reason for ending this tenancy is that they intend to occupy the rental unit.

Analysis

Section 49 of the *Act* provides that upon receipt of a notice to end tenancy for landlord's use the tenant may, within 15 days, dispute the notice by filing an application for dispute resolution with the Residential Tenancy Branch. I find that the tenants have failed to file an application for dispute resolution within the 15 days of service granted under section 49(8) of the *Act*. Accordingly, I find that the tenants are conclusively presumed under section 49(9) of the *Act* to have accepted that the tenancy ends on the effective date of the 2 Month Notice, May 31, 2017.

The landlords' 2 Month Notice meets the form and content requirements of section 52 of the *Act* as it is in the approved form and clearly identifies the parties, the address of the rental unit and the effective date of the notice. Therefore, I find that the landlords are entitled to an Order of Possession pursuant to section 55 of the *Act*.

Conclusion

I grant an Order of Possession to the landlords effective **May 31, 2017**. Should the tenants or any occupant on the premises fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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: May 29, 2017

Residential Tenancy Branch