



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL, FF

Introduction

On January 16, 2019, the Landlords submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (“the Act”) asking for an Order of Possession in relation to the Two Month Notice to End Tenancy dated December 27, 2018 (“the Two Month Notice”) as well as an order granting the recovery of the filing fee.

The matter was set for a conference call hearing. The Landlords and the Tenant attended the hearing and provided affirmed testimony and were given an opportunity to present evidence orally and in written and documentary form, and to make submissions to me. I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issue(s) to be Decided

1. Are the Landlords entitled to an Order of Possession in relation to the Two Month dated December 27, 2018 pursuant to Section 55 of the Act?
2. Are the Landlords entitled to the recovery of the filing fee pursuant to Section 72 of the Act?

Background and Evidence

The Landlords and Tenant agreed to the following; the tenancy started on September 1, 2014. Rent in the amount of \$600.00 is due to the Landlords on the first day of each month. The Tenant was not required to pay a security deposit to the Landlords.

The Landlords stated they served the Tenant with the Two Month Notice on December 27, 2018 with an effective vacancy date of February 28, 2019 by positing it on the door of the dispute address. The Tenant confirmed having received the One Month Notice on the same day. The Landlord's reasons for ending the tenancy on the Two Month Notice are;

"The rental unit will be occupied by the Landlord or the Landlord's close family member (parent, spouse, or child; or the parent or child of that individual's spouse)"

The Tenant stated that she has accepted that the tenancy is ending on February 28, 2019 and has already started moving her possession out of the rental unit. The Landlords requested an Order of Possession regardless. The Landlords are also seeking the recovery of the filing fee.

Analysis

Based on the documentary evidence and oral testimony provided during the hearing, and on a balance of probabilities, I find:

According to Section 49 of the Act, a landlord who is an individual may end a tenancy in respect of a rental unit if the landlord or a close family member of the landlord intends in good faith to occupy the rental unit.

The Landlords served the Tenant with the Two Month dated December 27, 2018 with an effective vacancy date of February 28, 2019, by positing it on the door of the dispute address. The Tenant confirmed having received the notice on the same date. I find the Two Month Notice was sufficiently served pursuant to Section 88 of the Act.

Having reviewed the Two Month Notice dated December 27, 2018 I am satisfied that the Notice complies with the requirements under section 52 regarding form and content.

I accept that both parties agree that the tenancy will end on the effective date of the Two Month Notice, therefore pursuant to Section 55(2) of the Act, I find that the Landlords are entitled to an Order of Possession effective at 1:00 pm (Pacific Time) on February 28, 2019.

As the Landlords have been successful, I find the Landlords are entitled to recover the \$100.00 filing fee paid to make the Application, pursuant to section 72 of the Act.

Conclusion

Pursuant to section 55(2) of the Act, the Landlords are granted an order of possession, which will be effective at 1:00 pm (Pacific Time) on February 28, 2019. This Order should be served to the Tenant as soon as possible and may be filed in and enforced as an order of the Supreme Court of British Columbia.

The Landlords are also granted a monetary order in the amount of \$100.00. The monetary order should be served to the Tenant as soon as possible and may be filed in and enforced as an order of the Provincial Court of British Columbia (Small Claims).

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: February 26, 2019

Residential Tenancy Branch