



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, MNR, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an order of possession, for a monetary order and to recover the filing fee.

Both parties appeared, gave testimony, and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions at the hearing.

Neither party provided any documentary evidence.

Preliminary and procedural issues

At the outset the parties agreed rent was paid. Therefore, it not necessary to consider this portion of the landlords' claim.

Issue to be Decided

Are the landlords entitled to an order of possession?

Background and Evidence

The tenancy commenced in September 2016. Current rent of \$800.00 is payable on the first of each month. The tenant paid a security deposit in the amount of \$375.00.

The landlord testified that the tenant was served with a one month notice to end tenancy because their parents want to move into the premises.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

In this case, neither party could provide sufficient details of the notice to end tenancy. Neither party provided a copy of the notice as evidence, for me to review or consider under the Act.

Further, if I accept the landlords' evidence that it was because their parents were moving in to the property, I find that any One Month Notice to End Tenancy for Cause, would not be valid. The landlord is required to issue a Two Month Notice to End Tenancy for Landlord's Use of Property, if the reason they stated is valid.

As the landlord has the burden of proof, I find the landlord has not met that burden. Therefore, I dismiss the landlords' application for an order of possession.

Since the landlord was not successful, I find the landlord is not entitled to an order of possession.

Conclusion

The landlords' application is dismissed.

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: March 22, 2019

Residential Tenancy Branch