



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 0834879 BC LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNL, FFT

Introduction

On June 5, 2019, the Tenants submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (“the Act”) seeking to cancel a Two Month Notice to End Tenancy for Landlord Use of Property.

The matter was set for a conference call hearing. The Landlord and the Tenants appeared at the hearing. The Landlord was assisted by legal counsel. The hearing process was explained and the participants were asked if they had any questions.

Preliminary and Procedural Matters

At the outset of the hearing, the Tenants were asked if they are still looking to dispute the Two Month Notice to End Tenancy for Landlord’s Use of Property dated May 23, 2019. The Tenants were informed that if they are successful in having the Two Month Notice set aside, the tenancy will continue and they will be obligated under the tenancy agreement to continue paying rent until such time as the tenancy is ended in accordance with the Act.

The Tenants’ testified that they have already entered into a new tenancy elsewhere and are moving out of the rental unit at the end of the July 2019. The Tenants have accepted the Two Month Notice to End Tenancy for Landlord’s Use Of Property dated May 23, 2019. The Tenants withdrew their application to dispute the Two Month Notice.

The Landlord raised no objection to permitting the Tenants to withdraw the application to dispute the Two Month Notice.

The Tenants' application is withdrawn and is dismissed.

Issue to be Decided

- Is the Landlord entitled to an order of possession for the rental unit?

Background and Evidence

The Landlord issued the Tenants a Two Month Notice to End Tenancy for Landlord's Use Of Property dated May 23, 2019. The effective date (the date the Tenants must move out of the rental unit) on the Two Month Notice is July 31, 2019.

Analysis

The Tenants application to dispute the Two Month Notice is dismissed.

Under section 55 of the Act, when a Tenants application to cancel a notice to end tenancy is dismissed and I am satisfied that the Notice to end tenancy complies with the requirements under section 52 regarding form and content, I must grant the Landlord an order of possession.

I find that the Two Month Notice to End Tenancy for Landlord's Use Of Property dated May 23, 2019, meets the requirements for form and content.

I find that the Landlord is entitled to an order of possession for the effective date of the Two Month Notice. I grant the Landlord an order of possession for the rental unit effective no later than 1:00 pm on July 31, 2019, after service on the Tenants. This order may be filed in the Supreme Court and enforced as an order of that Court.

Other than my finding that the Two Month Notice complies with the requirements of form and content, I make no finding on the validity of the Two Month Notice. The Tenants accepted the Notice and have decided to move out of the rental unit.

Conclusion

The Tenants withdrew their application to dispute the Two Month Notice and their application is dismissed in its entirety.

I find that the Landlord is entitled to an order of possession of the rental unit on the effective date of the Two Month Notice. I grant the Landlord an order of possession for the rental unit effective no later than 1:00 pm on July 31, 2019, after service on the Tenants.

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: July 23, 2019

Residential Tenancy Branch