



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL, FFL

Introduction

The landlords filed an Application for Dispute Resolution (the “Application”) on July 29, 2020 seeking an order of possession of the rental unit. Additionally, the landlords are seeking an order to recover the filing fee for the Application. The matter proceeded by way of a hearing pursuant to section 74(2) of the *Residential Tenancy Act* (the “Act”) on September 3, 2020. In the conference call hearing I explained the process and provided the attending party the opportunity to ask questions.

The landlords provided evidence that they used registered mail to deliver notice of the hearing to the tenant on August 6, 2020. The item was delivered on August 11, 2020. Based on this, I accept that the landlords served the tenant notice of this hearing. This follows section 89(1)(c) of the *Act*, and the hearing proceeded in the tenant’s absence.

The landlords issued a ‘Two Month Notice to End Tenancy for Landlord’s Use of Property’ (the “Two Month Notice”) on June 25, 2020. The landlords provided the detail on page two to state that the unit will be occupied by them, or their spouse. The landlords provided the date of August 31, 2020 as the date on which the tenant must move out.

In the hearing, the landlords stated that the tenant moved out on August 31, 2020, after service of the Two-Month Notice. They stated a condition inspection meeting occurred prior to the tenant moving out.

Issue(s) to be Decided

Are the landlords entitled to an Order of Possession for the Landlord’s Use, pursuant to section 55 of the *Act*?

Are the landlords entitled to recover the filing fee for this Application pursuant to section 72 of the *Act*?

Conclusion

The evidence shows the tenant moved out from the unit prior to this hearing. With the tenancy already ended, the landlords' request for an Order of Possession is dismissed.

For the reason of their Application being dismissed, I find the landlords is not entitled to recovery of the \$100.00 Application filing fee.

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: September 3, 2020

Residential Tenancy Branch