



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, CNL, FF

Introduction

On September 14, 2020, the Tenants submitted an Application for Dispute Resolution under the *Residential Tenancy Act* requesting that a One Month Notice to End Tenancy for Cause dated September 14, 2020, be cancelled. The Tenants also seek to cancel a Two Month Notice to End Tenancy for Landlord's Use of Property dated September 8, 2020 ("the Two Month Notice").

The Landlords and Tenants appeared at the hearing. The Landlords were assisted by legal counsel.

Preliminary and Procedural Issues

At the start of the hearing the Tenants were asked whether or not they want to pursue their application to dispute the notices to end tenancy. The Tenants stated that they want to accept the Two Month Notice and want to dispute the One Month Notice to End Tenancy for Cause.

The Landlords' counsel stated that the Tenants have already moved out of the rental unit.

The Tenants replied that they have moved their possessions into storage pending the outcome of this hearing. The Landlord state that the Landlord was willing to withdraw the One Month Notice based on the Tenants' acceptance of the Two Month Notice.

The Tenants agreed that the One Month Notice could be withdrawn, and they withdrew their dispute to cancel the One Month Notice.

Based on the submissions of the parties, the One Month Notice to End Tenancy for Cause dated September 14, 2020 is cancelled.

Issues to be Decided

- Is the Landlord entitled to an Order of Possession based on the Two Month Notice?

Background and Evidence

Both parties testified that the tenancy began in 2017, as a one-year fixed term tenancy and continued thereafter on a month to month basis. Rent in the amount of \$1,896.00 is due on or before the fifteenth day of each month.

The Landlord issued a Two Month Notice to End Tenancy for Landlord's Use of Property to the Tenants in person on September 8, 2020. The reason cited for ending the tenancy is: The rental unit will be occupied by the Landlord or the Landlords close family member.

The parties did not provide a copy of the Two Month Notice but agreed that it was issued on the proper form and was dated and signed by the Landlord. The Two Month notice has an effective date of November 14, 2020.

The Tenants received the Two Month Notice and they have now accepted the Two Month Notice.

Analysis

Based on the evidence and testimony before me, I make the following findings:

The Tenants have accepted the Two Month Notice and it is not in dispute. The Tenants' application to cancel 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.

Based on the testimony before me, I find that the Two Month Notice complies with the required form and content. The Landlord is entitled to an order of possession for the rental unit on the effective day of the Notice.

The Landlord is granted an order of possession for the rental unit at 1:00 p.m. on November 14, 2020, after service on the Tenants. This order may be filed in the Supreme Court and enforced as an order of that Court.

Conclusion

The Tenant's withdrew their application to cancel a Two Month Notice to End Tenancy for Landlords Use of Property dated September 8, 2020. The Tenants have accepted that the tenancy is ending.

The Landlords are granted an order of possession for the rental unit at 1:00 p.m. on November 14, 2020, after service on the Tenants.

As the Tenants withdrew their request to cancel the Two Month Notice and have accepted the Notice, I decline an order granting them the recovery of the filing fee against the Landlord.

Conclusion

The One Month Notice was withdrawn by mutual consent.

The Tenants withdrew their request to cancel a Two Month Notice to End Tenancy for Landlords Use of Property dated September 8, 2020.

The Landlords are granted an order of possession for the rental unit at 1:00 p.m. on November 14, 2020, 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: November 10, 2020

Residential Tenancy Branch