



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL, FFL

Introduction

This hearing was scheduled to convene at 11:00 a.m. this date by way of conference call concerning an application made by the landlords seeking an Order of Possession for landlord's use of property and to recover the filing fee from the tenant for the cost of the application.

Both landlords attended the hearing, and were represented by an agent who gave affirmed testimony. However, the line remained open while the telephone system was monitored for 10 minutes prior to hearing any testimony, and no one for the tenant joined the call. The landlord's agent testified that the tenant was served with the application and notice of this hearing (the Hearing Package) by posting it to the door of the rental unit on March 24, 2021, and I am satisfied that the tenant has been served in accordance with the *Residential Tenancy Act*.

Issue(s) to be Decided

Have the landlords established that the Two Month Notice to End Tenancy for Landlord's Use of Property was issued in accordance with the *Residential Tenancy Act*?

Background and Evidence

The landlord's agent testified that the tenant was served with a Two Month Notice to End Tenancy for Landlord's Use of Property. A copy has been provided as evidence for this hearing, which is dated March 24, 2021 and contains an effective date of vacancy of June 1, 2021. The second page of the Notice contains 2 reasons for issuing it:

- 1.) 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), and specifies the landlord or the landlord's spouse.
- 2.) All of the conditions for the sale of the rental unit have been satisfied and the purchaser has asked the landlord, in writing, to give this Notice because the purchaser or a close family member intends in good faith to occupy the rental unit.

The landlord's agent testified that the second reason was checked off in error.

Analysis

When giving a notice to end a tenancy for landlord's use of property, there can be no uncertainty as to the reason for issuing it. One of the reasons for that law is the consequences set out in the *Residential Tenancy Act* if the landlords fail to use the rental unit for the purpose contained in the Notice. If steps have not been taken within a reasonable period after the effective date of the Notice to accomplish the purpose for ending the tenancy and used for that purpose for at least 6 months, the landlord may be required to pay the equivalent of 12 months rent to the tenant.

In this case, there are 2 reasons for issuing the Notice, and I find that is a crucial element when applying for an Order of Possession for landlord's use of property to ensure that the reason for issuing it is appropriate in the circumstances and issued in good faith. Since the landlords have used 2 totally unrelated reasons for issuing it, I dismiss the landlord's application for an Order of Possession.

Conclusion

For the reasons set out above, the landlords' application is hereby 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: July 09, 2021

Residential Tenancy Branch