



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Remax Penticton Realty Property  
Management and [tenant name suppressed to protect privacy]

## DECISION

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### Introduction

The landlords filed an Application for Dispute Resolution (the “Application”) on May 21, 2020 seeking an order of possession of the rental unit. The matter proceeded by way of a hearing pursuant to s. 74(2) of the *Residential Tenancy Act* (the “Act”) on September 2, 2021. In the conference call hearing I explained the process and provided the parties the opportunity to ask questions.

At the start of the hearing, both parties confirmed disclosure of prepared documentary evidence from the landlord to the tenants.

The landlord issued a ‘Two Month Notice to End Tenancy for landlord’s Use of Property’ (the “Two-Month Notice”) on April 21, 2021. The landlord 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 1, 2021 as the date on which the tenants must move out.

In the hearing, both parties confirmed that the tenants completed the move out by July 31, 2021. They stated a condition inspection meeting occurred prior to the tenant moving out. The landlord set out briefly that they had a residual claim with regard to the condition of the rental unit at the end of the tenancy.

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### 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. Without any consideration of the landlord’s monetary claim, I advised the parties that they are free to make separate applications on whatever further relief they are seeking. Those issues were outside the scope of this hearing on this discrete issue.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under s. 9.1(1) of the *Act*.

Dated: September 2, 2021

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Residential Tenancy Branch