



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- cancellation of a Four Month Notice to End Tenancy For Demolition, Renovation, Repair or Conversion of Rental Unit, pursuant to section 49 (the Four Month Notice);
- an order regarding a disputed additional rent increase pursuant to section 43.

All named parties attended the hearing. At the outset of the hearing, the tenants advised they had secured alternative accommodation and would be vacating the rental unit on December 31, 2022 as per the effective date of the Four Month Notice. The tenants also advised that they had not paid any rent increase above the amount required under law. The tenants advised that they had now accepted the Four Month Notice but that they were just not happy in the way the landlord went about to issue it.

As the tenants will be vacating the rental unit as per the Four Month Notice, the tenants' application to dispute the Four Month Notice dated August 9, 2022, as well other matters identified in this application are moot. The tenant's application is dismissed in its entirety without leave to reapply.

Section 55(1) of the *Act* states that if a tenant applies to dispute a landlord's notice to end tenancy and their Application for Dispute Resolution is dismissed or the landlord's notice is upheld the landlord must be granted an order of possession if the notice complies with all the requirements of Section 52 of the *Act*.

I find that the Four Month Notice issued by the landlord complies with the requirements of Section 52 of the Act, accordingly, the landlord is granted an Order of Possession pursuant to section 55 of the Act.

Conclusion

I grant an Order of Possession to the landlord effective December 31, 2022. Should the tenants fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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 24, 2022

Residential Tenancy Branch