



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Vancouver Eviction Services  
and [tenant name suppressed to protect privacy]

## **DECISION**

### **Dispute Codes:**

Tenant's application: OLC

Landlords' application: OPC; FF

### **Introduction**

This Hearing was convened to consider cross applications. The Tenant seeks an Order that the Landlords comply with the Act, regulation or tenancy agreement.

The Landlords seek a Order of Possession and to recover the cost of the filing fee from the Tenant.

Both parties gave affirmed testimony at the Hearing.

The Landlords' agent SA ("SA") acknowledged that the Landlords were served with the Tenant's Notice of Hearing documents in March, 2013. SA stated that the Landlords mailed their Notice of Hearing documents to the Tenant by registered mail on March 16, 2013. SA provided the tracking numbers for the registered documents.

### **Issues to be Decided**

1. Should the Landlords be ordered to comply with the Act and provide the Tenant with a 2 month Notice to End Tenancy for Landlord's Use?
2. Are the Landlords entitled to an Order of Possession for Cause?

### **Background and Evidence**

The Tenant stated that the Landlords asked him to move out because a family member was moving into the rental unit. The Tenant asked for an Order that the Landlords be compelled to give him a Notice to End Tenancy under the provisions of Section 49 of the Act, so that he will get compensation for moving out.

A copy of a One Month Notice to End Tenancy for Cause (the "Notice") was provided in evidence. SA stated that the Landlords served the Tenant with the Notice, by hand delivering it to the Tenant at the rental unit on February 14, 2013. She stated that the Tenant did not dispute the Notice within 10 days of being served and that therefore I must find that the Tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice, pursuant to the provisions of Section 47(5) of the Act.

The Tenant denied being served with the One Month Notice to End Tenancy.

The Landlord's agent JC ("JC") stated that another occupant of the rental property witnessed the Tenant being served with the Notice. JC phoned the witness, who gave the following affirmed testimony:

- The witness has been an occupant at the rental property since 2009 and knows the Tenant.
- The witness has overheard the Landlords telling the Tenant that they want him to move out.
- The witness did not see the Tenant being served with any documentation on February 14, 2013, or at all.

### **Analysis**

I dismiss the Tenant's application for an Order that the Landlords provide him with a Two Month Notice to End Tenancy for Landlord's Use, as I find that I have no authority to compel a landlord to do so. The Tenant's application is dismissed.

The Tenant disputed being served with the Notice to End Tenancy for Cause. I find that the Landlords provided insufficient efficient evidence that the Tenant was served, and therefore the Landlords' application for an Order of Possession based on that Notice is dismissed.

### **Conclusion**

The Tenant's application is **dismissed**.

The Landlords' application is **dismissed**.

The tenancy remains in full force and effect until it is ended in accordance with the provisions of the Act.

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: April 25, 2013

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Residential Tenancy Branch

