



# **Dispute Resolution Services**

Residential Tenancy Branch  
Office of Housing and Construction Standards  
Ministry of Housing and Social Development

## **DECISION**

**Dispute Codes:** CNL, FF

### **Introduction**

This application was brought by the tenants seeking to have set aside a Notice to End Tenancy for landlord use, served in person on August 29, 2008 and setting an end of tenancy date at October 31, 2008.

The tenants also submitted a monetary claim for \$200 for loss of contents of a refrigerator that was unplugged on the patio.

### **Issue(s) to be Decided**

This application requires a decision on whether to set aside or uphold the Notice to End Tenancy and whether to allow the monetary claim.

### **Background and Evidence**

This tenancy began May 7, 2008. Rent is \$1,100 per month and the landlord holds a security deposit of \$550 paid on May 7, 2008.

As to the monetary claim, the tenants have submitted no evidence documenting the loss and, more to the point, there is no evidence that the landlords were responsible for the refrigerator being unplugged.

The landlords stated that the plug is on a patio and could easily have been knocked loose by anyone walking by. I find that this claim has not been substantiated and, therefore, it is dismissed.

As to the notice to end tenancy, the landlords submitted a copy of a letter dated August 27, 2008 from the Municipality of Coquitlam advising that the rental unit is an illegal suite. "An accompanying information sheet advises that, if the homeowner does not cooperate voluntarily, formal bylaw enforcement proceedings may be taken."

The landlords have the option of decommissioning the suite or upgrading at an estimated cost of \$5,000 to \$8,000. In this instance, the landlords have elected to decommission the suite.

### **Analysis**

While the communication from the city does not constitute an order as contemplated under section 47(1)(k) of the *Act*, I find that the Notice to End Tenancy is valid under section 49(6)(f) which permits such notice where the landlord intends to convert the space to non-residential use in order to conform with local bylaws. On hearing that determination, the landlords requested, and I find they are entitled to, an Order of Possession effective October 31, 2008.

### **Conclusion**

Accordingly, the landlords' copy of this decision is accompanied by an Order of Possession effective October 31, 2008 for service on the tenants. As the tenants' application has not succeeded, I decline to assign the filing fee to the landlord.

September 30, 2008

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