



Dispute Resolution Services

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

DECISION

Dispute Codes: CNL, MND and FF

Introduction

This application was brought by the tenant seeking to have set aside a Notice to End Tenancy for landlord use dated January 27, 2009 and setting an end of tenancy date of March 31, 2009. The tenant also sought a Monetary Order in compensation for loss of quiet enjoyment due to the notice being served in other than good faith and recovery of the filing fee for this proceeding..

The tenant submitted documentation from Canada Post showing that she had sent the Notice of Hearing to the address for the landlord given on the Notice to End Tenancy. While the letter was returned as “not at this address,” I find that the tenant has met the service requirements of section 88 of the *Act* and the notice of hearing is deemed to have been received. Therefore, the hearing proceeded in the absence of the landlord.

Reason given on the Notice to End Tenancy was that, “The landlord has all necessary permits and approvals required by law to demolish the rental unit or repair the rental unit in a manner that requires the rental unit to be vacant.”

There is no evidence from the landlord to support this claim. In addition, the tenant submitted a number of photographs showing, to the extent that photographs can, a clean, bright, apartment with no apparent need of renovation.

Accordingly, I hereby authorize and order that the Notice to End Tenancy of January 27, 2009 is set aside and is of no effect.

In addition, I find that the tenant is entitled to recover the filing fee for this proceeding from the landlord and I hereby authorize and order that she may retain \$50 from the next month's rent payment for that purpose.

The tenant's claim for compensation for loss of quiet enjoyment is dismissed.

March 19, 2009

Dispute Resolution Officer