



# 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 hearing dealt with an application by the tenants to cancel a notice to end tenancy for landlord's use. The tenants and an agent for the landlord participated in the teleconference hearing.

## Issue(s) to be Decided

Is the notice to end tenancy valid?

## Background and Evidence

The tenancy began on March 1, 2005. The landlord is a church. The rental unit in question is a single family dwelling, a house located two houses away from the church. On January 31, 2009 the landlord served the tenants with a two month notice to end tenancy for landlord's use. The notice cited the reason for ending the tenancy as follows: "The landlord intends to convert the rental unit for use by a caretaker, manager or superintendent of the residential property."

The testimony of the landlord's agent was that the landlord would like to use the rental unit for their associate pastor, who does local outreach work for the church. The associate pastor is an employee of the landlord, but his work does not and would not include acting as a caretaker, manager or superintendent of any residential property other than, arguably, the regular maintenance by a tenant of their rental unit.

### Analysis

I find that in this case, the landlord does not intend to use the rental unit for the purpose stated on the notice to end tenancy. The prospective new tenant is an associate pastor whose role would not be to act as a caretaker, manager or superintendent of the residential property. Therefore, the notice to end tenancy is not valid.

### Conclusion

The notice is cancelled, with the effect that the tenancy continues.

As the tenants were successful in their application, they are entitled to recovery of their \$50 filing fee for the cost of their application. The tenants may deduct \$50 from their next month's rent.