

# Dispute Resolution Services

Residential Tenancy Branch  
Ministry of Housing and Social Development

## Decision

### **Dispute Codes:**

MNDC,

RP,

FF,

CNL

### **Introduction**

I have been delegated the authority under Section 9.1 of the *Residential Tenancy Act* (the “Act”) to hear this matter and decide the issues.

I reviewed the evidence provided by the Tenant prior to the Hearing. The Tenant gave affirmed evidence at the Hearing.

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

This is the Tenant’s application for compensation under the Act; to cancel a Notice to End Tenancy for Landlord’s Use; for an Order that the Landlord make repairs to the rental unit; and to recover the filing fee for the cost of the application from the Landlord.

- (1) Should the One Month Notice to End Tenancy be cancelled?
- (2) Is the Tenant entitled to a rent reduction and abatement?
- (3) Should the Landlord be ordered to make repairs to the rental unit?
- (4) Is the Tenant entitled to recover the filing fee from the Landlord?

### **Background and Evidence**

The Tenant testified that he served the Landlord with the Notice of Hearing documents by hand delivering the notice to an agent of the Landlord at the Landlord's business address on May 9, 2009. The Tenant testified that he mailed copies of his evidence to the Landlord, by registered mail, to the last known address for the Landlord, on June 8, 2009.

On June 1, 2009, the Tenant received a letter from a new landlord stating that he was the new sole owner of the rental property. The former Landlord is no longer a landlord at the rental property.

The Tenant testified that he did not amend his Application for Dispute Resolution to include the new landlord, and did not serve the new landlord with notice of today's hearing and evidence.

### **Analysis**

The Notice to End Tenancy states that the rental unit will be occupied by the Landlord, the Landlord's spouse, or a close family member. The Landlord (who issued the Notice to End Tenancy) is no longer a landlord in this tenancy and therefore the Notice to End Tenancy for Landlord's use is cancelled. The tenancy remains in full force and effect.

With respect to the remainder of the Tenant's application, I dismiss the application with leave to re-apply against the new landlord.

**Conclusion**

The Two Month Notice to End Tenancy for Landlord Use is cancelled. The Tenancy remains in full force and effect.

The remainder of the Tenant's application is dismissed with leave to re-apply against the new landlord.

June 16, 2009

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