

DECISION

Dispute Codes CNL, FF

Introduction

This was an application by the tenants to cancel a two month Notice to End Tenancy for Landlord's use of property. The hearing was conducted by conference call. The named parties attended the hearing.

Issues(s) to be Decided

Should the Notice to End Tenancy dated February 24, 2010 be cancelled?

Background and Evidence

The landlord who is the executor of the estate of the former owner of the rental property served the tenants with a two month Notice to End Tenancy for landlord's use of the rental property. The Notice was dated February 24, 2010 and it requires the tenants to move out of the rental unit by April 30, 2010. /the tenants filed their application for dispute resolution on March 5, 2010. They requested an order cancelling the Notice to End Tenancy.

At the hearing the landlord testified that the rental property is a house on land in North Vancouver. A portion of the house is rented to the tenants. Some other portions as well as the land and outbuildings contain property of the former owner, including motor vehicles, parts and a boat. The landlord testified that he issued the Notice to End Tenancy because he needs to secure the property and have access to it in order to secure, protect, inventory and remove the possessions of the former owner.

He said that the reason for the notice is to allow him to put a security guard in the rental property to protect the estate assets. The landlord claimed that the tenants have interfered with his efforts to enter the property. The tenant said that he is quite prepared

to allow the landlord to enter the rental property if he receives proper notice from the landlord.

Analysis and Conclusion

The Notice to End Tenancy given by the landlord stated that the reason for the Notice was that the rental unit will be occupied by the landlord or the landlord's spouse or a close family member (father, mother, or child) of the landlord or the landlord's spouse. On the evidence presented, it is not intended that the rental unit will be occupied for the stated reason. I therefore order that The Notice to End Tenancy be, and is hereby cancelled. The tenancy will continue. The tenants are entitled to recover the \$50.00 filing fee paid for their application. The tenants may deduct the sum of \$50.00 from a future instalment of rent payable to the landlord.

Dated: April 21, 2010.
