



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNL, FF

Introduction

This matter dealt with an application by the Tenant to cancel a 2 Month Notice to End Tenancy for Landlord's Use of Property dated September 30, 2010.

The Tenant said he served the Landlord with a copy of the Application and Notice of Hearing (the "hearing package") by registered mail on October 14, 2010. According to the Canada Post online tracking system, an agent for the Landlord received the Tenant's hearing package on October 15, 2010. Consequently, I find that the Landlord has been served with the Tenant's hearing package as required by s. 89 of the Act and the hearing proceeded in the Landlord's absence.

Issues(s) to be Decided

1. Does the Landlord have grounds to end the tenancy?

Background and Evidence

This month-to-month tenancy started approximately 15 years ago. On September 30, 2010, an agent for the Landlord served the Tenant in person with a 2 Month Notice to End Tenancy for Landlord's Use of Property dated September 30, 2010. The ground stated on the Notice was that "the Landlord has all the 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."

The Tenant said he believes the Landlord intends to demolish the rental unit but based on his investigations, he does not believe the Landlord has obtained the necessary permits to do so. In particular, the Tenant said he contacted the Building Permit department of the City of Vancouver on October 14 and again on November 8, 2010 and was advised that no permits had been issued to the Landlord to demolish the rental unit. The Landlord did not submit any evidence in support of the 2 Month Notice.



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Analysis

Based on the evidence of the Tenant and in the absence of any contradictory evidence from the Landlord, I find that the Landlord has not obtained the necessary permits or approvals to demolish the rental unit and as a result, the 2 Month Notice to End Tenancy for Landlord's Use of Property dated September 30, 2010 is cancelled.

As the Tenant has been successful on his application, I find that he is entitled pursuant to s. 72 of the Act to recover the \$50.00 filing fee for this proceeding from the Landlord and I Order that he may deduct that amount from his next rent payment when it is due and payable to the Landlord.

Conclusion

The Tenant's application is granted. The 2 Month Notice to End Tenancy for Landlord's Use of Property dated September 30, 2010 is cancelled and the tenancy will continue. This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: November 09, 2010.

Dispute Resolution Officer