



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes:

CNL, OPT, FF

Introduction

This hearing dealt with an application by the tenant for an order to set aside a notice to end tenancy and obtain an order of possession. The tenant also applied for the recovery of his filing fee. Both parties attended the hearing and had opportunity to be heard.

Issue to be Decided

Does the landlord have grounds to end this tenancy?

Background and Evidence

The tenancy began on October 01, 2010. The tenant was an employee of the landlord from July 15, 2010 to December 31, 2010.

The landlord served the tenant with a notice to end tenancy on December 30, 2010. The reason for the notice is that the tenant's rental unit is part of an employment arrangement that has ended and the unit is needed for a new employee.

The tenant is disputing the notice on the grounds that the unit he occupies is not designated for an employee and that there are other vacant units in the building that are available. The landlord did not file any evidence to support the notice to end tenancy.

Analysis

In order to support the notice to end tenancy for end of employment, the landlord must provide the employment contract as evidence of the terms of the tenancy agreement.

The tenancy agreement filed by the tenant makes no reference to employment and is a month to month tenancy.

Based on all the evidence before me, I find that the landlord has not proven her case. I therefore allow the tenant's application and set aside the landlord's Notice to End Tenancy dated December 30, 2010. As a result, the tenancy shall continue. I also grant the tenant the recovery of his filing fee in the amount of \$50.00. The tenant may make a onetime deduction of \$50.00 from next rental payment.

Conclusion

The notice to end tenancy is set aside and the tenancy will continue. The tenant may retain \$50.00 from the next rental payment.

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: January 25, 2011.

Residential Tenancy Branch