



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes CNL, FF

Introduction

This was the hearing of an application by the tenant to cancel a two month Notice to End Tenancy for landlord's use. The hearing was conducted by conference call. The tenant participated in the hearing. the landlord participated and she was assisted by her friend, Mr. K.H.

Issue(s) to be Decided

Should the Notice to End Tenancy for landlord's use be cancelled?

Background and Evidence

The landlord served the tenant with a two month Notice to End Tenancy for landlord's use dated December 14, 2010. The Notice required the tenant to move out of the rental unit by February 28, 2010. On the form of Notice to End Tenancy the landlord checked two incompatible grounds for ending the tenancy; she claimed that the house will be occupied by the landlord or the landlord's spouse or a close family member and also on the further ground that th house has been sold and the purchaser has asked the landlord in writing to end the tenancy because the purchaser or a close family member intends to occupy the rental unit.

The landlord did not provide any documents to support the alleged grounds for ending the tenancy. She said at the hearing that she was concerned about the tenant's sister

who lives in the rental unit and who has a mental disability and was fearful that she might damage the rental property

Analysis and Conclusion

The landlord has not supplied any evidence to show that there is any legitimate ground for the 2 month Notice to End Tenancy served on the tenant. I order that the Notice to End Tenancy for landlord's use dated December 14, 2010 be, and is hereby cancelled. The tenancy will continue.

The landlord did not provide evidence to show that she has grounds to end the tenancy for cause. I caution the landlord that she may be found to have interfered with the tenant's quiet enjoyment of the rental unit if she continues to serve Notices to End Tenancy without providing facts to support the grounds for the Notice given.

The tenant is entitled to recover the \$50.00 filing fee paid for this application. He may deduct the said sum from the next instalment of rent due to the landlord.

Dated: January 11, 2011.
