

DECISION

Dispute Codes CNQ, CNL, FF

Introduction

This is an application filed by the Tenant to cancel a notice to end tenancy for the Landlord's use of the property and recovery of the filing fee.

Both parties attended the hearing by conference call and gave testimony.

At the beginning of the hearing, it was clarified by the Tenant that no notice was issued because the Tenant does not qualify for subsidized housing and that the selection on the application was done in error. Both parties acknowledged their understanding and that the hearing shall continue strictly to cancel the notice to end tenancy for the Landlord's use of the property.

Both parties submitted their evidence late on October 11th and 12th of 2011 for this hearing. I find as there is no bias to either party in reviewing this evidence that the late evidence submitted by both parties can be considered for this hearing.

Issue(s) to be Decided

Is the Tenant entitled to an order to cancel the notice to end tenancy for the Landlord's use of the property?

Background and Evidence

Both parties have attended the hearing and have made detailed reference to the evidence submitted by the other.

The Landlord states in support of his reasons for the notice that he wishes to occupy the rental unit for personal purposes. He wishes to make use of the space to rehabilitate/exercise himself in recovery of a heart attack. The Tenant disputes this, but has offered no evidence in support.

Analysis

As both parties have attended the hearing and have made detailed reference to the evidence submitted, I am satisfied that both have been properly served with the notice of hearing and evidence packages.

Based upon the undisputed testimony of the Landlord that the property is for personal use and that he intends to occupy the unit, I am satisfied that the Landlord has established his reasons for issuance of the notice to end tenancy for Landlord's use. The notice issued September 15, 2011 is effective on the date shown of November 30, 2011. The Tenant's application to cancel the notice is dismissed.

Conclusion

The Tenant's application is dismissed.

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: October 18, 2011.

Residential Tenancy Branch