



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, RR

Introduction

This hearing dealt with an application by the tenants for an order setting aside a notice to end this tenancy and an order permitting them to reduce their rent. Both parties participated in the conference call hearing.

Issues to be Decided

Should the notice to end tenancy be set aside?
Should the tenants be permitted to reduce their rent?

Background and Evidence

The parties agreed that on August 18, 2011, the tenants were served with a two month notice to end tenancy. The notice alleged that the landlord had all necessary permits and approvals in place and intended to demolish the rental unit. The landlord submitted a copy of a demolition permit dated August 18, 2011.

The tenants argued that it seemed additional inspections must be required in order to demolish the unit. The tenants referred to a document published by the City of New Westminster and claimed that there were multiple steps involved in demolishing a residence. The tenants did not enter a copy of this document into evidence.

The landlord confirmed that he had complied with all of the requirements of the City.

Analysis

I find that the landlord had the building permit at the time the notice to end tenancy was issued. Although the tenants claimed that the landlord required further approvals and/or permits in order to demolish the unit, they provided no evidence to corroborate that claim. I am satisfied that the landlord had all the required permits in place at the time the notice to end tenancy was issued and I find that the landlord has grounds to end this tenancy. Accordingly I dismiss the tenants' claim for an order setting aside the notice.

During the hearing the landlord made a request under section 55 of the legislation for an order of possession. Under the provisions of section 55, upon the request of a landlord, I must issue an order of possession when I have upheld a notice to end tenancy. Accordingly, I so order. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

As the tenancy is ending it is unnecessary to address the tenant's claim for authorization to reduce their rent and the claim is dismissed.

Conclusion

The tenants' claim is dismissed and the landlord is granted an order of possession effective October 31, 2011.

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 03, 2011

Residential Tenancy Branch