



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: CNL, FF / OPL

### Introduction

This hearing was scheduled in response to an application by the tenants for cancellation of a 2 month notice to end tenancy for landlord's use of property / and recovery of the filing fee. Both parties participated in the hearing and gave affirmed testimony. During the hearing the landlords orally confirmed the wish to seek an order of possession in the event the tenants' application to cancel the notice is not successful.

### Issue(s) to be Decided

Whether either party is entitled to any the above under the Act, Regulation or tenancy agreement.

### Background and Evidence

There is no written tenancy agreement in evidence for this tenancy which the tenant recalls began in December 2002. The tenant also recalls that at the start of tenancy, monthly rent was \$1,050.00, and that a security deposit of \$525.00 was collected. Rent is payable in advance on the first day of each month and, effective February 1, 2012, rent was increased to \$1,161.78. The current owners / landlords purchased the property approximately 2 ½ years ago.

The landlords issued a 2 month notice to end tenancy for landlord's use of property dated February 22, 2012. The notice was served in person on the tenants on that same date. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenants must vacate the unit is April 30, 2012. The reason shown on the notice for its issuance is as follows:

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 tenants filed their application to dispute the notice on February 29, 2012.

### Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: [www.rto.gov.bc.ca](http://www.rto.gov.bc.ca)

The tenant testified that moving after having lived in the unit for so many years is disruptive. He also stated that there appear to have been no permits or approvals obtained by the landlords for the work they claim will be undertaken in the unit. Further, the tenant states that he knows of other similar situations where renovations and repairs have been completed in a unit without the need for the unit to be vacant.

The landlords claim that the nature of renovations and repairs anticipated do not require permits or approvals. They also testified as to the reasons why it would be impractical for the unit to be occupied in view of the nature of renovations and repairs planned in this case.

Having considered the documentary evidence and testimony of the parties, I find on a balance of probabilities that the landlords have issued the notice in good faith and that they have an honest intention to undertake certain renovations and repairs which require the unit to be vacant. Accordingly, I find that the landlords have established entitlement to an order of possession to be effective on the date shown on the notice. The tenants' application is, therefore, hereby dismissed.

### Conclusion

I hereby issue an **order of possession** in favour of the landlords effective not later than **1:00 p.m., Monday, April 30, 2012**. This order must be served on the tenants. Should the tenants 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.

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: March 15, 2012.

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Residential Tenancy Branch