



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL

Introduction

The tenant seeks to cancel a Notice to End Tenancy given for Landlord's Use.

Both parties appeared at the hearing and gave evidence under oath.

Issue(s) to be Decided

Does the landlord have grounds for ending this tenancy?

Background and Evidence

The landlord issued a 2 month Notice to End Tenancy for Landlord's Use effective August 31, 2012. The landlord says his grandson is attending UBC in the fall and he will occupy the rental unit.

The tenant disputes that a grandchild is a close family member as defined in the *Residential Tenancy Act*.

Analysis

Section 49 sets out the definition of a "close family member" for the purposes of issuing a Notice to End Tenancy for Landlord's Use, it states:

Landlord's notice: landlord's use of property

49 (1) In this section:

"close family member" means, in relation to an individual,

- (a) the individual's father, mother, spouse or child, or
- (b) the father, mother or child of that individual's spouse;

A grandchild is not a close family member as defined by the Act and I will therefore allow the tenant's application seeking to cancel the Notice to End Tenancy. The effect of this decision is that this tenancy shall continue as though no notice had been issued.

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: May 28, 2012.

Residential Tenancy Branch