

DECISION

Dispute Codes CNL, FF

Introduction

These are applications filed by the Tenants to cancel a notice to end tenancy issued for Landlord's use of the property and the recovery of the filing fees.

The Tenant, J.A. attended the hearing by conference call and gave testimony. The Landlord's Agent, P. A. Attended and gave testimony.

The Tenant C.K. for unit # 6 and Tenants, L.M and C.F. did not attend. At 2:41pm the applications for Residential Tenancy files 7####1 and 7####2 were dismissed without leave to reapply as the Landlord has attended in response to the applications.

The Landlord did not submit his evidence package to any of the Tenants. I find that this is in contravention of the Rules of Procedure, but the material evidence submitted by the Landlord is relevant and compelling. I find that the Landlord's evidence is allowed for the purposes of this hearing and that the details of the evidence was read verbatim to the Tenant.

Issue(s) to be Decided

Are the Tenants entitled to an order to cancel the notice to end tenancy issued for Landlord's use of the property?

Background, Evidence and Analysis

All of the Tenants were issued a 2 month notice to end tenancy for Landlord's use of the property dated April 25, 2012 with an effective date of June 30, 2012. The stated reason given is "All of the conditions for sale of the rental unit have been satisfied and the purchaser has asked the landlord, in writing, to give the Notice because the purchaser of a close family member intends in good faith to occupy the rental unit." The Tenants dispute that no permits/plans have been submitted and dispute that the purchaser intends to occupy the space in good faith.

The Landlord has submitted a copy of the "Buyer's Request to Seller" dated March 30, 2012. The letter states that all subjects have been removed and that the Purchaser

requests that the Landlord give notice to the Tenants of the premises to vacate the property by July 1, 2012. The Landlord has also submitted a copy of a standardized letter dated March 30, 2012 that the Purchaser intends to occupy the property in good faith that has been purchased.

A letter has been submitted by the Purchaser dated May 14, 2012 that states that the new owners have sold their existing home and intend to move into the property with their adult children.

The Tenant states that she questions the purchasers' good faith to move into the rental property. The Tenant has submitted two pages of evidence consisting of photographs and a written statement that the purchaser intends to live in 5 out of 12 units for the rental property. The Tenant stated that the purchaser is unknown to any of the Tenants and is unable to provide a motive to challenge the purchasers good faith. I find that the Tenant has failed to provide sufficient evidence to satisfy me that the Landlord has not satisfied the requirements of the notice to end tenancy. The Tenant's application to cancel the notice is dismissed. I find the notice dated April 25, 2012 to be in full effect.

Conclusion

The Tenants application to cancel the notice to end tenancy 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: June 1, 2012.

Residential Tenancy Branch