



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, CNL, MT, OLC, RRP

Introduction

Some documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is an application to cancel a Notice to End Tenancy that was given for landlord use, and a request for recovery of the filing fee.

Background and Evidence

The applicant testified that:

- He believes he is just being persecuted and singled out by the landlord.
- When the landlord gave him the Notice to End Tenancy there was another unit that was empty and therefore the landlord could have moved into that unit.
- He wants to move out, but he wants to move out on his own time frame and not on the landlords.

The respondent's agent testified that:

- There was never an empty unit at the rental property; one of the renters was simply away for a couple of months on vacation.
- The landlord fully intends to occupy this rental unit wants the applicant moved out.

- He is not persecuting the applicant; he has chosen this unit because he finds it the most convenient.

Analysis

It is my finding that the applicant has not shown that the landlord is persecuting him by giving him a Notice to End Tenancy.

The Residential Tenancy Act allows a landlord to give a Notice to End Tenancy if the landlord intends to occupy rental unit, and in this case the landlord has stated, and has given a statutory declaration which was signed in the presence of a notary public, that he fully intends to occupy this rental unit.

I find that this notice is been given in good faith and that the landlord fully intends to comply with the reasons given on the notice, and therefore I will not cancel the notice and this tenancy ends pursuant to the Notice to End Tenancy that was served on April 27, 2012.

Conclusion

This application is dismissed in full without leave to reapply.

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 11, 2012.

Residential Tenancy Branch