

DECISION

Dispute Codes:

CNL; OLC; FF

Introduction

This Hearing dealt with the Tenant's application cancel a *Notice to End Tenancy for Landlords Use* (the Notices) issued November 1, 2012; for an Order that the Landlord comply with the Act, regulation or tenancy agreement; and to recover the cost of the filing fee from the Landlord.

The parties gave affirmed testimony and had an opportunity to be heard and respond to other party's submissions.

Preliminary Matter:

At the outset of the Hearing, the Landlord's advocate stated that since serving the Tenant with the Notice, the Landlord has decided to demolish the rental property because it cannot be insured for the purpose the Landlord stated on the Notice.

The Notice indicates that the Landlord intends to convert the residential property to strata lots or a not-for-profit housing cooperative. The Landlord does not intend to do so and therefore, I find that the Notice is not a valid notice to end the tenancy. I grant the Tenant's application to cancel the Notice.

The Landlord is cautioned not to issue future notices to end tenancy for reasons that the Landlord does not intend to carry out.

Issue to be Decided

Should the Landlord be ordered to comply with the Act, regulation or tenancy agreement?

Background and Evidence

The Tenant stated that he does not know what section of the Act, regulation or tenancy agreement for which he seeks an Order that the Landlord comply.

Analysis

I find that the Tenant did not provide sufficient details to support his application for an Order that the Landlord comply with the Act, regulation or tenancy agreement and this portion of his application is dismissed.

The Tenant has been successful in his application to cancel the Notice and I find that he is entitled to recover the cost of the \$50.00 filing fee from the Landlord. Pursuant to the provisions of Section 72 of the Act, the Tenant may deduct \$50.00 from future rent due to the Landlord.

Conclusion

The Notice to End Tenancy issued November 1, 2012, is cancelled. The tenancy remains in full force and effect until it is ended in accordance with the provisions of the Act. The Landlord is cautioned not to issue future notices to end tenancy for reasons that the Landlord does not intend to carry out.

The Tenant's application for an Order that the Landlord comply with the Act, regulation or tenancy agreement is dismissed.

The Tenant may deduct \$50.00 from future rent due to the Landlord in recovery of the filing fee.

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: December 14, 2012.

Residential Tenancy Branch