



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNL, OLC

Introduction

This hearing was scheduled in response to the tenant's application for cancellation of a notice to end tenancy for landlord's use of property / and an order instructing the landlord to comply with the Act, Regulation or tenancy agreement.

The tenant attended the hearing and gave affirmed testimony. Despite service of the application for dispute resolution and notice of hearing (the "hearing package") by way of registered mail, the landlord did not appear. Evidence submitted by the tenant includes the Canada Post tracking number for the registered mail, and the Canada Post website informs that the hearing package was successfully delivered.

Issue(s) to be Decided

Whether the tenant is entitled to the above under the Act, Regulation or tenancy agreement.

Background / Evidence / Analysis

Pursuant to a written tenancy agreement, a copy of which is not in evidence, the tenancy began in 2009. Monthly rent is \$2,500.00. The tenant testified that a security deposit was collected but he was unable to confirm the exact amount.

The landlord issued a 2 month notice to end tenancy for landlord's use of property, a copy of which is not in evidence. The tenant testified that the notice is dated December 7, 2012, and that it was served in-person on that same date. The tenant also testified that the date shown on the notice by when the tenant must vacate the unit is March 1, 2013. Further, the tenant testified that the reasons shown on the notice for its issuance are as follows:

The rental unit will be occupied by the landlord or the landlord's spouse or a close family member (father, mother, or child) of the landlord or the landlord's spouse.

A family corporation owns the rental unit and it will be occupied by an individual who owns, or whose close family members own, all the voting shares.

The tenant filed an application to dispute the notice on December 20, 2012, which is within the 15 day period available for doing so after service of the notice on December 7, 2012.

During the hearing the tenant testified that while he queries who is the actual landlord and, accordingly, whether the reasons for issuance of the notice are *bona fide*, he has presently decided to vacate the unit pursuant to issuance of the notice. In the result, the tenant withdrew his application for cancellation of the notice to end tenancy.

Following from all of the foregoing, the tenant's application for an order instructing the landlord to comply with the Act, Regulation or tenancy agreement is hereby dismissed.

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 For information, the attention of the parties is drawn to the following particular sections of the Act:

Section 49: Landlord's notice: landlord's use of property

Section 50: Tenant may end tenancy early following notice under certain circumstances

Section 51: Tenant's compensation: section 49 notice

Conclusion

The two aspects of the tenant's application are hereby respectively withdrawn and 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: January 14, 2013

