



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding METRO VANCOUVER HOUSING CORPORATION  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNL, MNDC

### Introduction

This hearing was scheduled to deal with a tenants' application to cancel a 2 Month Notice to End Tenancy for Landlord's Use of Property and a Monetary Order for damage or loss under the Act, regulations or tenancy agreement. Both parties appeared or were represented at the hearing and were provided the opportunity to make relevant submissions, in writing and orally pursuant to the Rules of Procedure, and to respond to the submissions of the other party.

### Issue(s) to be Decided

1. Should the 2 month Notice to End Tenancy for Landlord's Use of Property be upheld or cancelled?
2. Have the tenants established an entitlement to monetary compensation from the landlord for damage or loss under the Act, regulations or tenancy agreement?

### Background and Evidence

This hearing involved a tenancy that formed nearly 20 years ago for a heritage house located on park land. Prior to the start of this tenancy, the tenants also lived on the property starting in the 1970's when, as children, their father had a tenancy for the property. Undeniably, the tenants have a deep emotional attachment to the property.

Significant structural and septic issues were identified at the property and after two comprehensive inspections, one specifically for heritage properties, were concluded and assessed the landlord issued a 2 Month Notice to End Tenancy for Landlord's Use of Property (the Notice). The Notice has a stated effective date of April 30, 2013 and indicates the landlord intends to convert the rental unit for use by a caretaker, manager or superintendent of the residential property. The tenants filed to dispute the 2 Month Notice within the time limit required under the Act.

After the tenants had an opportunity to be heard, the tenants stated they now accept the end of tenancy and withdrew their request for the 2 Month Notice to be cancelled. The tenants also withdrew their request for a Monetary Order but sought the landlord's consent to remove a shed and wood shed they erected on the property. The landlord authorized the removal of the shed and wood shed from the property.

### Analysis

Given the tenants' withdrawal of their request to cancel the Notice and request for monetary compensation, I found the dispute before me has been resolved and it is unnecessary for me to further consider the validity of the Notice or the tenants' entitlement to monetary compensation.

In light of the above, the tenants are required to return vacant possession of the rental unit to the landlord by April 30, 2013.

This decision shall also serve as a record that the landlord gave the tenants authorization to remove the shed and wood shed they erected on the property.

### Conclusion

This dispute has been resolved by the parties. The tenancy legally ends April 30, 2013 and the tenants must return vacant possession of the property to the landlord on or before that date. The tenants are authorized to remove the shed and wood shed they erected from the property.

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: April 11, 2013

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Residential Tenancy Branch