



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNL

Introduction

This hearing concerns the tenant's application for cancellation of a 2 month notice to end tenancy for landlord's use of property.

Both parties attended and / or were represented and gave affirmed testimony.

Issue(s) to be Decided

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

Background and Evidence

There is no written tenancy agreement in evidence for this tenancy which began approximately 4 years ago. Monthly rent is \$475.00, and a security deposit of \$237.50 was collected.

Pursuant to section 49 of the Act which speaks to **Landlord's notice: landlord's use of property**, the landlord issued a 2 month notice to end tenancy dated March 31, 2013. The notice was served in-person on that same date. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenant must vacate the unit is May 31, 2013. The reason shown on the notice in support of its issuance is 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.

The tenant filed an application to dispute the notice on April 9, 2013. However, during the hearing she testified that she has already partially moved into a new unit. The tenant also testified that while she still retains possession of the subject unit, she intends to completely vacate by not later than May 31, 2013. Despite the foregoing, the

tenant testified she does not consider that the landlord's documented reasons for ending the tenancy reflect the landlord's true intentions.

Analysis

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

Based on the documentary evidence and testimony, I consider that the tenant's application has been withdrawn. In short, the tenant testified that she plans to vacate the unit by not later than May 31, 2013, which is the date shown on the 2 month notice by when the tenant must vacate the unit.

In the meantime, however, the attention of the parties is drawn to the following particular sections of the Act, which relate directly to the circumstances of this dispute:

Section 23: **Condition inspection: start of tenancy or new pet**

Section 24: **Consequences for tenant and landlord if report requirements not met**

Section 35: **Condition inspection: end of tenancy**

Section 36: **Consequences for tenant and landlord if report requirements not met**

Section 38: **Return of security deposit and pet damage deposit**

Section 51: **Tenant's compensation: section 49 notice**

Conclusion

I consider the tenant's application to be withdrawn.

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: May 03, 2013

Residential Tenancy Branch

