



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, FF

Introduction

This is an application filed by the Tenant for a monetary order because the Landlord failed to comply with Section 49 of Act after serving the Tenant with a 2 month notice to end tenancy issued for Landlord's use of Property.

Both parties attended the hearing by conference call and gave testimony. The Tenant submitted a photograph of the demolished rental building. The Landlord has confirmed receipt of the notice of hearing package and the Tenant's photo. The Tenant has confirmed receipt of the Landlord's evidence package which contains a copy of the 2 month notice to end tenancy. As both parties have attended and have confirmed receipt of the notice of hearing package and the submitted documentary evidence, I am satisfied that both parties have been properly served.

Issue(s) to be Decided

Is the Tenant entitled to a monetary order?

Background and Evidence

Both parties agreed that the Landlord served the Tenant with a 2 month notice to end tenancy issued for Landlord's use dated March 11, 2013. The effective date of the notice is May 31, 2013 for which both parties confirmed that the Tenant gave vacant possession to the Landlord. The reason for the notice is listed as:

-All of the conditions for sale of the rental unit have been satisfied and the purchaser has asked the landlord, in writing, to give this Notice because the purchaser or a close family member intends in good faith to occupy the rental unit.

The Landlord has submitted copies of the purchase agreement which states that notice to vacate the rental unit would be served upon the Tenant when written request to do so

is received from the purchaser. The Landlord has also submitted a letter dated March 9, 2013 which request the Landlord to give the Tenant a notice to end tenancy for the purchaser to attain vacant possession.

Analysis

I find that the Tenant has failed to show how the Landlord did not satisfy the provisions of Section 49 of the Residential Tenancy Act by serving a 2 month notice to end tenancy issued for Landlord's use. The Landlord has provided a copy of purchase agreement as well as a written request for vacant possession for the noted reason. The Purchaser demolished the former rental building and not the seller. The Tenant's Application is dismissed.

Conclusion

The Tenant's Application is 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: November 14, 2013

Residential Tenancy Branch

