



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL

Introduction

This hearing dealt with an application by the tenant seeking to have a Two Month Notice to End Tenancy for Landlords Use of Property set aside. Both parties participated in the conference call hearing. Both parties gave affirmed evidence.

Issues to be Decided

Is tenant entitled to having the notice set aside?

Background and Evidence

The tenancy began on or about July 1, 2013. Rent in the amount of \$900.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$450.00.

The tenant gave the following testimony:

The tenant stated that on February 2, 2014 the landlord issued a Two Month Notice to End Tenancy for Landlords Use of Property with an effective date of April 30, 2014. The tenant stated that the landlord issued the notice on the basis that:

“The landlord has all necessary permits and approvals required by law to demolish the rental unit or repair the rental unit in a manner that requires the rental unit to be vacant”

The tenant stated that she has made inquiries with the local municipality and that the permits have yet to be approved.

The landlord gave the following testimony:

The landlords stated that the tenant has asked for ample notice if the landlords were going to end the tenancy. The landlords stated that they are in the process of obtaining the permits. The landlord stated that as of today's hearing they are still pending approval.

Analysis

When a landlord issues a notice of this nature they bear the responsibility to provide evidence to support the basis of issuing the notice. The landlord acknowledged that the permits are not in place to support the notice at this time. Based on the testimony provided by both parties I find that the Two Month Notice to End Tenancy for Landlords Use of Property is of no effect and force, the notice is set aside. The tenancy continues.

Conclusion

The notice is set aside.

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: March 26, 2014

Residential Tenancy Branch

