



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Berkkley Management Inc.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNL

### Introduction

This was a hearing with respect to the tenant's application to cancel a two month Notice to End Tenancy for landlord's use. The hearing was conducted by conference call. The tenant and the landlord's representative called in and participated in the hearing

### Issue(s) to be Decided

Should the Notice to End Tenancy date February 26, 2014 be cancelled?

### Background and Evidence

The rental unit is an apartment in North Vancouver. The tenancy began some 22 years ago. The landlord served the tenant (and other occupants) with a two month Notice to End Tenancy for landlord's use. The Notice is dated February 26, 2014 and requires the tenant to move out of the rental unit by April 30, 2014. The ground for the Notice to End Tenancy is that the landlord intends to renovate the unit in a manner that requires it to be vacant and has all the necessary permits and approvals to do so. The tenant applied to dispute the Notice to End Tenancy. He does not agree that renovations and repairs are necessary and he does not agree that the landlord must have vacant possession in order to do the work.

The tenant proposed to the landlord that he would move into another vacant suite in the rental property until the work was done and would agree to pay an increased rent in order to resume his tenancy in the rental unit. The landlord refused this proposal and claimed that no other suites were available.

At the hearing the tenant said that despite his objection to the Notice to End Tenancy and his application to dispute the Notice, he has secured other accommodation and will be moving out at the end of the month.

Analysis

Because the tenant has elected to move out of the rental unit, the tenant's application to cancel the Notice to End Tenancy is now a matter of academic interest only. Because there is no longer any practical purpose to the tenant's application to dispute the Notice to End Tenancy, this application is dismissed without leave to reapply.

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 09, 2014

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Residential Tenancy Branch

