



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNL OLC O

### Introduction

This hearing dealt with an application by the tenant to cancel a notice to end tenancy, as well as for an order that the landlord comply with the Act. The tenant participated in the teleconference hearing, but the landlord did not.

The tenant submitted evidence to establish that the landlord was served with the application for dispute resolution and notice of hearing by registered mail sent on April 10, 2014. Section 90 of the Act states that a document is deemed to have been served five days after mailing. I found that the landlord was deemed served with notice of the hearing on April 15, 2014, and I proceeded with the hearing in the absence of the landlord.

### Issue(s) to be Decided

Is the notice to end tenancy valid?  
Should I order the landlord to comply with the Act?

### Background and Evidence

The tenancy began on March 1, 2014 as a fixed-term tenancy to end on February 28, 2015. The rental unit is a suite in a house. On April 4, 2014, the landlord served the tenant with a two-month notice to end tenancy for landlord's use. The notice indicated that the reason for ending the tenancy was that landlord was selling the house, including the rental unit.

The tenant stated that the sale of the unit is complete, and the new owner is the tenant's new landlord.

### Analysis

The landlord did not attend the hearing to provide evidence to establish the validity of the notice to end tenancy, and therefore the notice to end tenancy dated April 4, 2014 is cancelled.

Although the new owner is now the tenant's new landlord, the fixed-term tenancy continues with the new landlord until the end of the fixed term, February 28, 2015. The landlord therefore cannot gain possession of the unit through a notice to end tenancy for landlord's use until at least February 28, 2015. I order the new landlord to comply with the Act in regard to issuing a notice to end tenancy for landlord's use regarding the fixed-term tenancy.

### Conclusion

The notice to end tenancy for landlord's use dated April 4, 2014 is cancelled, with the effect that the tenancy continues until such time as it ends in accordance with the Act.

I order I order the new landlord to comply with section 49.1(3)(c) of the Act, which addresses issuing a notice to end tenancy for landlord's use when there is a fixed-term tenancy.

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: June 2, 2014

---

Residential Tenancy Branch