



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BBY PROJECT 2 LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: CNE, FF / OPE

Introduction

This hearing was scheduled in response to the tenant's application for cancellation of a notice to end tenancy for end of employment / and recovery of the filing fee. Both parties attended and gave affirmed testimony.

During the hearing the landlord's agent confirmed that the landlord seeks an order of possession in the event the tenant's application does not succeed.

Issue(s) to be Decided

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

Background and Evidence

Pursuant to 2 separate written agreements, employment as resident manager of an apartment complex, in combination with a tenancy began on February 01, 2001. The tenant's unit and a reduced rent were made available as a condition of employment. The tenant testified that by letter dated June 24, 2014, her employment was terminated effective August 25, 2014. The current owner / landlord purchased the complex in August 2014, but found that the tenant had still not vacated the unit.

Pursuant to section 48 of the Act which addresses **Landlord's notice: end of employment with the landlord**, the current owner / landlord issued a 1 month notice to end tenancy dated September 28, 2014. The notice was personally served on September 29, 2014. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenant must vacate the unit is October 31, 2014. The reason identified on the notice in support of its issuance is as follows:

Tenant's rental unit / site is part of an employment arrangement that has ended and the unit / site is needed for a new employee

The tenant filed an application to dispute the notice on October 02, 2014.

During the hearing the landlord's agent requested an order of possession, and testified that after the tenant vacates the unit, it will be occupied by a new resident manager.

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, forms and more can be accessed via the website: www.gov.bc.ca/landlordtenant

Based on the documentary evidence and testimony, I find that the tenant was served with a 1 month notice to end tenancy for end of employment dated September 28, 2014. While the tenant filed an application to dispute the notice within the 10 day period available after being served, there is no dispute that the tenant's employment as resident manager was terminated, and that the subject unit was only made available to her as a condition of her employment. In the result, I find that the tenant's application to have the 1 month notice set aside must be dismissed. As the tenant has not succeeded with the principal aspect of her application, her application to recover the \$50.00 filing fee must also be dismissed.

Section 55 of the Act addresses **Order of possession for the landlord**, in part:

55(1) If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant an order of possession of the rental unit to the landlord if, at the time scheduled for the hearing,

- (a) the landlord makes an oral request for an order of possession, and
- (b) the director dismisses the tenant's application or upholds the landlord's notice.

Following from all of the above, I find that the landlord has established entitlement to an **order of possession**.

As the end of tenancy nears, the attention of the parties is drawn to the following particular sections of the Act:

Section 37: **Leaving the rental unit at the end of a tenancy**

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

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **Sunday, November 30, 2014**. This order must be served on the tenant. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

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 17, 2014

Residential Tenancy Branch

