



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Wall Financial Corporation
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNL, FF

Introduction

This hearing dealt with an application by the tenants for an order setting aside a notice to end this tenancy. Both parties participated in the conference call hearing.

Issue to be Decided

Should the notice to end tenancy be set aside?

Background and Evidence

The facts are not in dispute. On February 25, 2015, the landlord served on the tenant a 2 month notice to end tenancy (the "Notice") which stated that the landlord had all permits and approvals required by law to repair the rental unit in a matter that requires the rental unit to be vacant. The landlord submitted a statement from his plumber in which the plumber stated that he had applied for permits to complete re-piping in the residential property.

Analysis

In order to serve a notice to end tenancy for the purpose of repairing the rental unit, the landlord must have obtained required permits prior to the issuance of the Notice. In this case, the landlord issued the Notice before having obtained the permits. I find that the Notice was issued prematurely and I therefore order that it be set aside and declare it to be of no force or effect. As a result, the tenancy will continue. The landlord is free to serve another notice when the permits have been obtained.

As the tenants were successful in her application, I find they should recover the \$50.00 filing fee paid to bring their claim and I award them that sum. The tenants may deduct \$50.00 from a future rental payment.

Conclusion

The Notice is set aside and the tenants may deduct \$50.00 from a future rental payment.

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: April 13, 2015

Residential Tenancy Branch

