



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPE, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession. Both parties appeared and had an opportunity to be heard.

Issue(s) to be Decided

Is the landlord entitled to an order of possession and, if so, on what terms?

Background and Evidence

The tenant started her employment with the landlord on January 1, 2013. Part of her compensation package was the provision of an unfurnished house rent-free.

In an undated letter the tenant was advised that “your services as caretaker are no longer required at this location. You are required to vacate the premises on or before February 28, 2015.”

No other notice to end tenancy was served on the tenant.

Analysis

Section 48(2) of the *Residential Tenancy Act* allows an employer to end the tenancy of an employee in respect of a rental unit rented or provided by the employer to occupy during the term of employment by giving notice to end the tenancy if the employment is ended. The notice period is one month as calculated in accordance with subsection (3). Finally, subsection (4) provides that the notice to end tenancy must be in the prescribed form.

As the landlord has not served a notice to end tenancy in the prescribed form on the tenant the landlord's application for an order of possession must be denied.

As the landlord has been unsuccessful on its application no order for reimbursement from the tenant of the \$50.00 fee the landlord paid to file it will be made.

Conclusion

The landlord's application is dismissed for the reasons set out above.

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 01, 2015

Residential Tenancy Branch

