



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding URBAN PROPERTIES LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNL, FF

This hearing dealt with an Application for Dispute Resolution by the tenant to cancel a 2 Month Notice to End Tenancy for Landlord's Use of Property (the "Notice"), issued on July 31, 2015.

Both parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions to me.

The tenant has applied to cancel the Notice. In a case where a tenant has applied to cancel a notice Residential Tenancy Branch Rules of Procedure require the landlord to provide their evidence and submission first, as the landlord has the burden of proving that the notice was issued for the reasons given on the Notice.

Issue to be Decided

Should the Notice be cancelled?

Background and Evidence

The parties agreed that the Notice was served on the tenant indicating that the tenant is required to vacate the rental unit on September 30, 2015.

The reason stated in the Notice was that,

- The rental unit will be occupied by the landlord or the landlord's spouse or a close family member (father, mother, child) of the landlord or the landlord's spouse.

The landlord's agent (the "Landlord") testified that the new owner purchased the property in December 2014. The Landlord stated that the owner has two children and one of those children will be moving into the rental unit and going to the local university.

The tenant testified that they have been a tenant for 15 years and have always paid the rent. The tenant feels that another occupant who has lived in the building for a shorter period of time should be the one asked to leave. The tenant stated that their unit was likely picked since their rent is lower.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

In this case, the new owner purchased the property in December 2014. The new owner wants to use the unit for their child to live, while their child attends the local university, I find that reasonable.

While I accept the tenant's unit may have been selected, as their rent is lower than other rents, I find that not unreasonable as the landlord has the right to pick any unit that they own, as long it is used for the stated reason in the Notice.

Further, I find there has not been any ulterior motives presented for seeking to have the tenant vacate the rental unit.

Therefore, I find the Notice issued on July 31, 2015, is valid. As rent has been accepted for October 2015, I find the tenancy will legally end on October 31, 2015, in accordance with the Act.

As the tenant was not successful with their application they are not entitled to recover the filing fee.

Conclusion

The tenant's application is dismissed and the tenancy will end in accordance with the Act on October 31, 2015.

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: October 09, 2015

Residential Tenancy Branch

