



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL OLC FF

Introduction

This hearing was convened pursuant to the tenant's application to cancel a notice to end tenancy for landlord's use.

This matter was set for hearing by telephone conference call at 11:00 a.m. on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the respondent landlord. Therefore, as the applicant tenant did not attend the hearing by 11:10 a.m., and the respondent landlord appeared and was ready to proceed, I dismiss the tenant's claim without leave to reapply.

Form and Content of Notice to End Tenancy

Under section 55 of the Act, when a tenant's application to cancel a notice to end tenancy is dismissed and I am satisfied that the notice to end tenancy complies with the requirements under section 52 regarding form and content, I must grant the order of possession.

In this case, the notice to end tenancy for landlord's use dated July 29, 2016 does not meet the requirements regarding form and content. The landlord stated that she does not intend to renovate the rental unit as set out on the notice. Rather, the reason she is seeking to end the tenancy is that the zoning for the house requires that it only be occupied by one family. I therefore cancel the notice to end tenancy dated July 29, 2016.

Conclusion

The tenant's application is dismissed.

The notice to end tenancy for landlord's use dated July 29, 2016 is cancelled.

The tenancy continues, with all of the pursuant rights and responsibilities of the parties, until such time as it ends in accordance with the Act.

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 11, 2016

Residential Tenancy Branch

