



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNL

### Introduction

The tenant applies to cancel a two month Notice to End Tenancy served August 18, 2016.

The Notice claims that the landlord has all the necessary permits and approvals required by law to demolish the rental unit or renovate or repair the rental unit in a manner that requires it to be vacant. Such a ground is a lawful ground for ending a tenancy under s. 49 of the *Residential Tenancy Act* (the "Act").

Both parties attended the hearing and were given the opportunity to be heard, to present sworn testimony and other evidence, to make submissions, to call witnesses and to question the other. Only documentary evidence that had been traded between the parties was admitted as evidence during the hearing.

### Issue(s) to be Decided

Does the landlord have the necessary permits and approvals to demolish, renovate or repair the rental unit?

### Background and Evidence

The rental unit is a one bedroom home located on a six acre rural property.

The tenancy started in 2006 when the landlord's late father was the landlord. There is no written tenancy agreement. The monthly rent is \$475.00. The rental arrangement was amicable to the point that neither party at this hearing could say the rent was due on any particular day. The tenant's habit was to pay on the first of each month.

The landlord does not hold any deposit money.

The landlord is contemplating selling the six acre property. There is an old manufactured home located on the property. It had been rented out to tenants but now has not been used for four years. The landlord describes it as “decommissioned.”

The landlord’s realtor has suggested that the landlord should either bring the manufactured home up to code or remove it in order to advance any sale. The landlord has decided to demolish the manufactured home. He does not require any permit to do so.

The problem is that the Hydro service to the property is connected from the road to the manufactured home. From the manufactured home a line, described as an extension cord, but in fact a buried cable, runs from an electrical panel in the manufactured home then underground for about 100 yards to an electrical panel at the rental unit. Thus, demolition of the manufactured home will cut power to the rental unit.

### Analysis

Section 49(6) of the *Act* provides:

(6) A landlord may end a tenancy in respect of a rental unit if the landlord has all the necessary permits and approvals required by law, and intends in good faith, to do any of the following:

- (a) demolish the rental unit;
- (b) renovate or repair the rental unit in a manner that requires the rental unit to be vacant;
- (c) convert the residential property to strata lots under the Strata Property Act;
- (d) convert the residential property into a not for profit housing cooperative under the Cooperative Association Act;
- (e) convert the rental unit for use by a caretaker, manager or superintendent of the residential property;
- (f) convert the rental unit to a non-residential use.

The landlord does not propose to demolish the rental unit. His situation does not therefore qualify under s. 49(6) so as to permit him to end the tenancy.

Conclusion

The tenant's application is allowed. The Notice to End Tenancy dated August 12, 2016 is hereby cancelled.

The tenant did not seek recovery of a filing fee.

This decision was rendered orally at hearing and 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 20, 2016

---

Residential Tenancy Branch

