



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

CNL PSF LRE FF

Introduction

This hearing was convened pursuant to the tenant's application to cancel a notice to end tenancy for landlord's use, as well as for an order that the landlord provide services or facilities required by law and an order that sets conditions on the landlord's right to enter the rental unit. The tenant and the landlord participated in the teleconference hearing.

The landlord confirmed that they received the tenant's application, and the tenant confirmed that he received the landlord's evidence. The tenant did not serve his additional evidence on the landlord, and I therefore did not admit that evidence.

I determined that the issue of the notice to end tenancy took precedence, and only heard evidence on that issue. I will address the remainder of the tenant's application in the conclusion of my decision.

Both parties were given full opportunity to give affirmed testimony and present their admissible evidence. I have reviewed all testimony and other admissible evidence. However, in this decision I only describe the evidence relevant to the issues and findings in this matter.

Issue(s) to be Decided

Is the notice to end tenancy dated October 7, 2016 valid?

Background and Evidence

The tenant resides in a two-bedroom suite in the basement of the landlord's house.

On October 7, 2016 the landlord served the tenant with a notice to end tenancy for landlord's use. The notice indicated that the reason for ending the tenancy was that the landlord intended to have a close family member occupy the rental unit. The effective date of the notice is December 31, 2016. In the hearing, the landlord stated that they intend to have their grandmother occupy the rental unit.

The tenant responded that the landlord's grandmother could move into the one-bedroom suite beside his unit, rather than into his two-bedroom unit.

The landlord stated that the two-bedroom unit is connected to the upstairs portion of the house, which is what they would prefer. The one-unit suite is only accessible through an exterior door at the back of the house. The landlord also stated that they may use the one-bedroom suite for one of their children to sleep in.

Analysis

I am satisfied that the landlord intends in good faith to have a close family member, their grandmother, occupy the rental unit. The tenant provided no evidence to show that this was not the landlord's good faith intention. I therefore confirm the notice to end tenancy dated October 7, 2016 and dismiss the tenant's application to cancel the notice.

I am satisfied that the notice to end tenancy for landlord's use dated October 7, 2016 meets the requirements regarding form and content as set out in section 52 of the Act.

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. Accordingly, I grant the landlord an order of possession effective December 31, 2016.

Conclusion

The tenant's application to cancel the notice to end tenancy for landlord's use is dismissed. As the tenancy is ending, the tenant's application for other orders, as noted above, is no longer relevant and is also dismissed. It is still open to the tenant to apply for monetary compensation.

Because the tenant's application was not successful, he is not entitled to recovery of the filing fee for the cost of his application. I grant the landlord an order of possession December 31, 2016. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

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: December 8, 2016

Residential Tenancy Branch

