



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

CNL; FF; O

Introduction

This is the Tenant's Application for Dispute Resolution, made October 20, 2016, seeking to cancel a notice to end tenancy; recovery of the filing fee; and other unspecified orders.

Both parties signed into the Hearing and gave affirmed testimony.

The Tenant mailed the Notice of Hearing package to the Landlord, by registered mail, on October 21, 2016. She also mailed her documentary evidence to the Landlord, by registered mail, on November 22, 2016. The Tenant provided the tracking numbers for the registered mail.

Issue(s) to be Decided

Should the Notice to End Tenancy for Landlord's Use issued September 28, 2016, (the "Notice") be cancelled?

Background and Evidence

The Notice gives the following reason for ending the tenancy:

- All of the conditions for the sale of the rental unit have been satisfied and the purchaser has asked the landlord, in writing, to give this Notice because the purchaser or a close family member intends in good faith to occupy the rental unit.

The Landlord testified that the sale of the rental property was supposed to take place in December, 2016, but that it completed early, on November 18, 2016, and that the parties agreed to cancel the Notice.

The Tenant stated that he got another notice to end the tenancy on November 19, 2016, from the new owner.

Analysis

Based on the testimony of both parties, I find that the Notice is not a valid notice to end the tenancy and it is cancelled.

The Tenant's Application was successful and therefore I find that he is entitled to recover the cost of the \$100.00 filing fee from the Landlord. It will be up to the Landlord and the new owner to determine between themselves who is ultimately responsible for the payment.

Conclusion

The Notice to End Tenancy issued September 28, 2016, is cancelled.

I hereby provide the Tenant with a Monetary Order in the amount of \$100.00 for service upon the Landlord. This represents recovery of the filing fee. This Order may be filed in the Provincial Court of British Columbia (Small Claims) 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 15, 2016

Residential Tenancy Branch