



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

### Dispute Codes

CNL

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the Act) for:

The tenant applied for:

- cancellation of the landlord's 2 Month Notice to End Tenancy for Landlord's Use of Property (the 2 Month Notice) pursuant to section 49

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another. The tenant acknowledged receipt of evidence submitted by the landlord. The tenant did not submit any documentation for this hearing.

### Issues to be Decided

Should the landlord's Two Month Notice be cancelled? If not, is the landlord entitled to an Order of Possession?

### Background and Evidence

The landlords' agent gave the following submissions and testimony. The tenancy began on or about June 1, 2006. The landlord issued a Two Month Notice to End Tenancy for Landlords Use of Property on November 24, 2016 with an effective date of January 31, 2017, the landlord wishes to move his parents into this unit and wants the tenant to move out. The agent advised that the landlord is content for the tenants to stay one further month to help them get their affairs and order and requests an order of possession for February 28, 2017.

The tenant gave the following testimony; feels the notice is "unfair", feels the landlord has issued the notice in an attempt to rent the unit at a higher rate after the tenant advised the landlord that he would dispute any rent increase. The tenant testified that the adjacent unit was available and a much nicer unit than his. The tenant doesn't think the landlord is acting in good faith.

### Analysis

When a landlord issues a notice under Section 49 of the Act they bear the responsibility in providing sufficient evidence to support the issuance of the notice. The landlords' agent has provided documentation to support that that owner of the property wishes to have his elderly parents move into the home and issued a notice as follows:

#### **2 Month Notice to End Tenancy**

The landlord's 2 Month Notice, entered into written evidence by the tenants, identified the following reasons for seeking an end to this tenancy:

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

The tenant has called into question whether the landlords intent is as listed or a way of having him move out so that he can rent the unit at a higher rate. Based on the testimony and documentation before me, and on a balance of probabilities, the landlord has satisfied me that they issued the notice in good faith and intends to have his parents move into the unit as claim.

Based on the above, the landlord is entitled to an order of possession pursuant to Section 55 of the Act. The landlord advised that they are content to have the order of possession take effect on February 28, 2017. The order of possession will take effect at 1:00 p.m. on February 28, 2017.

The tenant has not been successful in his application.

The Notice remains in full effect and force. The tenancy is terminated.

### Conclusion

The tenant's application is dismissed in its entirety without leave to reapply.

The landlord is granted an order of possession.

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: January 16, 2017

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Residential Tenancy Branch

