



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL

Introduction

This is an application brought by the Tenant requesting an order canceling a Notice to End Tenancy that was given for landlord use

The applicant(s) agent testified that the respondent was served with notice of the hearing by registered mail that was mailed on January 18, 2017; however the respondent did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and, therefore it is my finding that the respondent has been properly served with notice of the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

The issue is whether or not to cancel a Notice to End Tenancy that was given for landlord use.

Background and Evidence

The applicant's agent testified that the landlord served the tenant with a two month Notice to End Tenancy on December 30, 2016 stating the following reason:

- The landlord has all necessary permits and approvals required by law to demolish the rental unit, or renovate or repair the rental unit in a manner that requires the rental unit to be vacant.

The applicant's agent further testified that, on January 18, 2017, they attended the building department at the City of Penticton, and were informed that there were no building permits in place for that address.

The applicant's agent is therefore requesting that this Notice to End Tenancy be canceled as there is no evidence to show that the landlord has all the necessary permits and approvals required by law.

Analysis

I accept the applicants agent's testimony that they attended the City of Penticton building department and were informed that there were no permits in place for this property, and in the absence of any testimony, or evidence, from the landlord it is my finding that there is insufficient evidence to show that the landlord has all necessary permits and approvals required by law.

It is my decision therefore that I will cancel the Notice to End Tenancy and this tenancy will continue.

Conclusion

The section 49, two month Notice to End Tenancy dated December 30, 2016 is hereby canceled, and this tenancy continues.

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: February 14, 2017

Residential Tenancy Branch