



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Podollan Construction Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

CNL; O

Introduction

This is the Tenants' Application for Dispute Resolution seeking to cancel a Two Month Notice to End Tenancy for Landlord's Use and other unspecified orders.

The parties provided affirmed testimony at the Hearing. The Landlord's agent AB acknowledged service of the Notice of Hearing documents and the Tenants' documentary evidence, via registered mail sent on February 17, 2017.

Issue(s) to be Decided

Should the Two Month Notice to End Tenancy for Landlord's Use issued January 31, 2017 (the "Notice") be cancelled?

Background and Evidence

The Tenants confirmed that they wished to cancel the Notice.

AB confirmed that the Landlord provided no documentary evidence to the Residential Tenancy Branch or to the Tenants. She stated that the Tenants have done damage to the rental unit.

Analysis

When a tenant seeks to cancel a notice to end tenancy, it is a reverse onus situation. In other words, it is the landlord's responsibility to prove, on the balance of probabilities, that the tenancy should end for the reasons provided on the notice to end tenancy.

In this case, the Notice provides 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.”

I find that the Landlord provided insufficient evidence of necessary permits and approvals to demolish or repair the rental unit, or that the rental unit must be vacant in order for repairs or renovations to take place. Such evidence might include copies of the permits and approvals; photographs of the rental unit; and/or estimates for the repair/renovations including time lines and the nature of the repair/renovations.

Conclusion

The Two Month Notice to End Tenancy for Landlord's Use issued January 31, 2017, is cancelled. The tenancy will continue until it is ended in accordance with the provisions of the Act.

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: March 16, 2017

Residential Tenancy Branch