



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes** CNL, OLC, FF

### **Introduction**

This hearing dealt with the tenant's application for dispute resolution, seeking to cancel a notice to end tenancy issued by the landlord for the landlord's use of the property and for an order directing the landlord to comply with the *Act*. The tenant also applied for the recovery of the filing fee.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions. The landlord acknowledged receipt of evidence submitted by the tenant. Both parties gave affirmed testimony.

### **Issues to be Decided**

Has the landlord validly issued the notice to end tenancy and does the landlord have the necessary permits required by law?

### **Background and Evidence**

The tenancy started in October 2010. The current monthly rent is \$3,150.00 payable on the first of each month.

On February 27, 2017, the landlord served the tenant with a two month notice to end tenancy for landlord's use of property. The effective date of the notice is April 30, 2017.

The reason the landlord gave the notice to the tenant is described as, the landlord has all necessary permits and approvals required by law to demolish or repair the rental unit in a manner that requires the unit to be vacant. The tenant disputed the notice in a timely manner.

During the hearing, the landlord agreed that at the time he served the notice to end tenancy he did not have the required permit in hand. He provided the tenant with a list of deficiencies that were required to be fulfilled prior to the issue of the permit. The landlord testified that at the time of the hearing, he had the permit in hand.

### **Analysis**

The *Act* requires permits and approvals required by law, to be obtained prior to the landlord issuing the notice to end tenancy for landlord's use of property. In this case the landlord agreed that he had not obtained any permits prior to issuing the notice to end tenancy for landlord's use of property.

Therefore, I find that the notice to end tenancy must be set aside. Since the tenant has proven his case, he may recover the filing fee from a future rent.

### **Conclusion**

The notice to end tenancy is set aside and the tenancy will continue. The tenant may make a onetime deduction of \$100.00 from a future rent.

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: April 05, 2017

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Residential Tenancy Branch